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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.1497/2002

Tuesday, this the 4th day of June, 2002

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri S.A.T. Rizvi, Member (A)

Bharat Singh
s/o Late Asha Ram
Double Phatak, Ratan-ka-purva
Roorke, Haridwar - Uttaranchal

...Applicant

(By Advocate: Shri S.K.Singh)

Versus

- 1.. Under Secretary to the Govt. of India
Ministry of Defence
New Delhi
- 2.. The Engineer-in-Chief
Army Head Quarters
AHQ, DHQ, PO, New Delhi
- 3.. Chief Engineer
HQ, Central Comd
Lucknow
- 4.. CE HQ BZ
Bareilly
- 5.. C.W.E. (P)
Dehradun
- 6.. Garrison Engineer
Roorkee.

...Respondents

O R D E R (ORAL)

Shri Ashok Agarwal:

On retirement from Military service on 31.12.1980, the applicant was reemployed as Vehicle Mechanic Ty. on 16.1.1982 in the office of Garrison Engineer, Roorkee, UP in the pay scale of Rs.260-400/- plus allowances as admissible to Central Government employees from time to time. His pay in the aforesaid pay scale has been fixed at Rs.230/- PM after deducting a sum of Rs.30/- from Rs.260/- which is the starting point in the aforesaid pay scale. According to the learned

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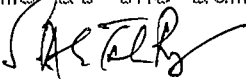
counsel appearing on behalf of the applicant, the applicant's pay in the aforesaid pay scale should have been fixed in accordance with the rules reproduced in paragraph 4 of the OA. The applicant had retired from military service before attaining the age of 55 years and, therefore, in accordance with the aforesaid rules, his pay was to be fixed by ignoring the first Rs.125/- of his pension. This is because he was receiving more than Rs.125/- PM as ~~provisional~~ ^{2 pension}. In fact, vide statement placed at A-B, the applicant was receiving a service pension of Rs.242/- PM which got reduced to Rs.145/- PM after deducting Rs.97/- which had already been drawn by the applicant as commitment. Despite repeated representations, the respondents have failed to ¹ apply the aforesaid formula correctly and, in result, the applicant continues to suffer. Several representations made by the applicant have been placed on record. The latest is dated 28.9.2001 (A-1F). The learned counsel appearing on behalf of the applicant seeks a direction to the respondents to decide the matter ^{1 after} considering the aforesaid representations.

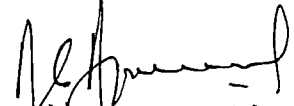
2. In the aforesaid circumstances, we find it just and proper to dispose of the present OA at this very stage even without issuing notices with a direction to the respondents to consider the various representations filed by the applicant and to pass a reasoned and a speaking order thereon within a maximum of three months from the date of receipt of a copy of this order and communicate the same to the applicant. We direct accordingly.

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3. The present OA is disposed of in the aforestated terms at the admission stage itself.


(S.A.T. Rizvi)
Member (A)


(Ashok Agarwal)
Chairman

/sunil/