

(Signature)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.3218/2002

Wednesday, this the 11th day of December, 2002

Hon'ble Shri S.A.T. Rizvi, Member (A)

V.K.Sharma
son of Late Shri Tika Ram Sharma
resident of 11/445, Sector-1, DIZ Area
Gole Market, New Delhi-1
retired from the office of the
Commissioner Preventive Operation
Customs and Central Excise
Lok Nayak Bhawan, New Delhi

..Applicant

(Applicant in person)

Versus

1. Union of India through
Secretary to the Govt. of India
Ministry of Finance
Dept. of Revenue,
North Block, New Delhi
2. Secretary Defence (Pension)
Ministry of Defence
South Block, New Delhi
3. Additional Secretary (Pension)
Dept. of Pension & Pensioner Welfare
3rd Floor, Lok Nayak Bhawan,
Khan Market, New Delhi
4. Chief of the Naval Staff
Naval Headquarters
South Block, New Delhi
5. Commodore Bureau of Sailors (Pension)
Cheetah Camp, Mankhurd
Mumbai - 400048
through respondent No.4

...Respondents

O R D E R (ORAL)

The applicant enrolled as a Boy in the Navy on 20.9.1958 was advanced to the post of Sailor on 5.12.1959 and thereafter he was discharged from service in the Navy on 1.12.1973. On 9.3.1978, he joined the civilian post of Telecom Operator under the Department of Customs and finally retired from service on 31.7.2002. *dr*

(2)

2. At the stage of joining the civilian post, the applicant opted for counting of the service rendered by him in the Navy for the purpose of grant of gratuity and pension in the civilian post. The matter remained under consideration and due to certain judgments rendered by the High Court and Supreme Court followed by the decision contained in the Ministry of Defence letter dated 12.4.2000 (A-1), a stage was reached when the applicant sought revocation of the option he had earlier exercised for counting of the service rendered in the Navy for the purpose of grant of gratuity and pension in the civilian employment. Thus, in ~~effect~~ the applicant wanted to revert back to the earlier position in accordance with which he could draw a civilian pension based on the service rendered in the civilian employment and separately another pension arising from the service rendered in the Navy. The applicant in person submits that despite abnormal delays which have since taken place, the Ministry of Finance are yet to decide, on his request, for the revocation of his option as above. The result is that as of now he is receiving pension arising from his civilian employment alone and nothing by way of pension arising from his service in the Navy.

3. In the aforesated facts and circumstances, I find that the interest of justice will be duly met by disposing of the present OA at this very stage even without issuing notices with a direction to the respondent No.1 to take a decision in the matter at the earliest possible and in any event within a period of one month from the date of receipt of a copy of this order. I direct accordingly. *d*

(3)

4. The present OA is disposed of in the aforesated terms.



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

/sunil/