

(4)

Central Administrative Tribunal
Principal Bench

CP No.47/2004 in
OA No.2419/2002

New Delhi this the 19th day of April, 2004

Hon'ble Shri V.K. Majotra, Vice-Chairman (A)
Hon'ble Shri Kuldip Singh, Member (J)

Shri S.S. Dahiya,
son of late Sh. C.R. Dahiya,
R/o Village and Post Office Nilauthi,
District Rohtak, Haryana -Applicant

(By Advocate Shri A.S. Chauhan)

-Versus-

1. Mr. S.K. Sood,
The Director General,
Directorate General of Supplies and Disposals,
Department of Supply, Jeevantara Building,
Parliament Street, New Delhi-110001.

2. Shri Bir Singh,
Deputy Director Administration (A-14),
Directorate General of Supplies and Disposals,
Department of Supply, Jeevantara Building,
Parliament Street,
New Delhi-110001 -Respondents

(By Advocate Shri Mohar Singh)

ORDER (Oral)

Hon'ble Shri V.K. Majotra, Vice-Chairman (A)

Learned counsel of applicant stated that paragraph-5 in Office Order No.17/2004 dated 10.3.2004 creates a confusion regarding pensionary benefits at the time of retirement of the applicant from civil service. This para reads as follows:-

"He shall have an option either to get his military service from 6.4.63 to 30.4.1984 counted towards his current service in this office from 24.3.1987 onwards, or to retain all his pensionary benefits and not to count his past military service for his future pensionary benefits. If he opts for counting his aforesaid past military service towards his current service in this office, he shall have to refund to this office the amount of all pensionary benefits including that of the pension already drawn, commuted value of pension

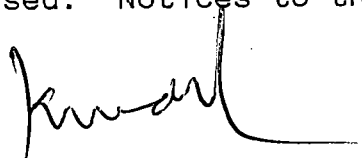
Vb

and retirement gratuity including service gratuity with simple interest at the rate whichever is applicable to the GPF accumulation on the date of refund as per Govt. of India's Decision No.2 given below rule 19 of the CCS (Pension) Rules, 1972".

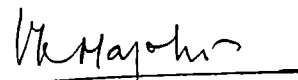
2. He, however, admitted that applicant has been granted increments in view of past service during the National Emergency declared in the year 1962.

3. Learned counsel of respondents stated that so far as pensionary benefits at the time of retirement of civil services are concerned, applicant shall have another opportunity of option in terms of the relevant rules.

4. We have gone through directions contained in our order dated 15.7.2003 and found that there is no wilful and deliberate disobedience of directions of this court in this case. Contempt Petition is dismissed. Notices to the respondents are discharged.



(Kuldip Singh)
Member (J)



(V.K. Majotra)
Vice-Chairman (A)

cc.