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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.1065/2001

Monday, this the 30th day of April, 2001

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

Gian Chand
Cook (Retd.) R/O 548, Lodhi Road Complex
New Delhi.

..Applicant.

(By Advocate: Shri Anil Singhal for Shri U.Srivastava)

VERSUS

Union of India through

1. The Secretary
Ministry of Health & Family Welfare
Govt. of India, Nirman Bhawan,
New Delhi.
2. The Under Secretary (A-II)
Ministry of Health & Family Welfare
Nirman Bhawan,
New Delhi.
3. The Section Officer,
Estt. IV,
Ministry of Health & Family Welfare
Nirman Bhawan,
New Delhi.

..Respondents.

O R D E R (ORAL)

Heard the learned proxy counsel for the applicant.

2. The applicant in this OA joined the Govt. service on 6.5.1972 as a Cook in the health canteen run by the respondents. He superannuated on 31.7.1997. However, the gratuity has been paid to him by calculating his service from 26.9.1983 onward and not from the date of his first appointment. This has meant considerable loss to the applicant. He places reliance on the OM dated 10.5.1996 issued by the DOP&T. The same, according to the learned proxy counsel, provides that in the case of canteen employees, amount of gratuity payable is to be

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calculated with reference to the initial date of appointment and thus, in the present case, the respondents should have paid gratuity to the applicant by calculating his service not from 26.9.1983 but from 6.5.1972. Aggrieved by the non-observance of the aforesaid OM, the applicant has filed two representations which have not been replied to by the respondents so far.

3. I have considered the matter in the light of the plea advanced by the learned proxy counsel with reference to the aforesaid OM of 10.5.1996 and find that in the present OA, the ends of justice will be met by disposing it of at this very stage even without issuance of notices with a direction to the respondents to consider the matter in the light of the aforesaid OM dated 10.5.1996 and take decision as expeditiously as possible and in any event within a period of two months from the date of the service of a copy of this order. The respondents are further directed to pass a reasoned and a speaking order in the event of their decision being adverse to the applicant.

4. In the circumstances, the OA is disposed of at the admission stage itself. No costs.

5. Registry is directed to send a copy of the OA along with this order.



(S.A.T. RIZVI)
MEMBER (A)

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