

CENTRAL ADMINISTRATIVE TRIBUNAL

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PRINCIPAL BENCH

OA 2014/2001

New Delhi, this the 10th day of September, 2001

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J).
Hon'ble Shri Govindan S. Tampi, Member (A)

Dr. A.K.Kapoor
Senior Bio Chemist
HOD, Department of Bio-Chemistry
Kalawati Saran Children's Hospital
New Delhi.

...Applicant

(By Advocate Shri S.M.Garg)

V E R S U S

UNION OF INDIA : THROUGH

1. Secretary
Ministry of Health & Family Welfare
(Dept. of Health)
Nirman Bhawan, New Delhi.
2. Director-General of Health Services
Nirman Bhawan, New Delhi.
3. Medical Superintendent
Kalawati Saran Children's Hospital
& Lady Hardinge Medical College and
Associated Hospital, Bangala Sahib Marg
New Delhi.

...Respondents

O R D E R (ORAL)

By Hon'ble Smt. Lakshmi Swaminathan, VC (J)

We have heard Shri S.M.Garg, learned counsel
for the applicant.

2. This is the second round of litigation by
the applicant, the earlier OA being OA 1881/92 with
two connected OAs, disposed of vide Tribunal's order
dated 4-12-1992. Shri S.M.Garg, learned counsel,
has submitted that the grievance of the applicant is

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that the respondents have failed to respond to the several representations made by the applicant to count the period of service rendered by him ^{in the 1982} with Lady Hardinge Medical College (LHMC), for the purposes of pension after his absorption in Kalawati Saran Childrens Hospital (KSCH). The applicant is due to retire in the end of May, 2002. Learned counsel has drawn our attention to the letter from LHMC dated 16-6-2000 (Annexure P-5). According to him, in this letter another applicant who was also dealt with by the common order dated 4-12-1992 by the Tribunal, has been given the benefit of past service for the purposes of computing the pension and other benefits, whereas the respondents are not responding to any of the applicant's representation to do the same in his case. Learned counsel has also submitted that the applicant is willing to pay his part of the GPF, in accordance with the existing Rules. The respondents have informed him the amount to be so paid/refunded, as the case may be. Learned counsel has submitted that the purpose of this OA is to ensure that necessary papers and decisions to be taken by the competent authority with regard to the past service of the applicant for the purposes of computing his pension and other benefits are not post-poned till the last minute before the applicant actually retires from service on superannuation in May, 2002.

3. Noting the above facts and submissions of

the learned counsel, we consider it appropriate to dispose of this application with the following directions :-

(i) The respondents to consider the applicant's representation dated 9-3-2000 and his earlier representations with regard to counting of his past service for the purposes of pensionary and other benefits, in accordance with relevant law rules and instructions, in the same way as they have done with regard to counting the previous service rendered by one Dr. Neelam Khandpur, Assistant Biochemist as per their letter dated 16-6-2000 ;

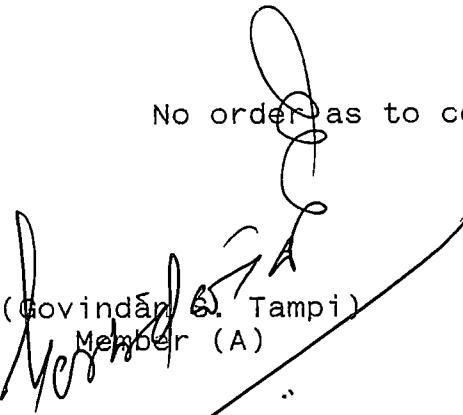
(ii) In case for any reason, they do not intend to count the applicant's past service as in the case above, they shall do so by passing a detail, reasoned and speaking order, annexing the particular rules and instructions they rely upon to support their case ;

(iii) The above action shall be taken within six weeks from the date of receipt of the copy of this order, with intimation to the applicant.

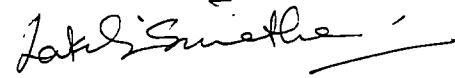
(iv) In the circumstances, in case the

applicant has any further grievance, he is at liberty to take such other proceedings in accordance with law.

No order as to costs.


(Govindaraj B. Tampi)
Member (A)

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(Smt. Lakshmi Swaminathan)
Vice-Chairman (J)