

Central Administrative Tribunal  
Principal Bench

O.A. No. 358 of 2001

New Delhi, dated this the 4th September, 2001

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Capt. K.S. Malhotra,  
S/o Shri P.S. Malhotra,  
Junior Staff Officer,  
Directorate of Civil Defence &  
Home Guards, Delhi.

.. Applicant

(By Advocate: Shri M.C. Dhingra)

Versus

1. Delhi Administration through  
the Chief Secretary,  
5, Sham Nath Marg,  
Delhi-110054.
  2. Director General Home Guards-cum-  
Director Civil Defence,  
Nishkam Sewa Bhawan,  
Directorate General of Home Guards  
and Civil Defence,  
Raja Garden,  
New Delhi-110027.
  3. Dy. Secretary, Home (General Branch),  
Govt. NCT of Delhi,  
5, Sham Nath Marg,  
Delhi.
  4. Secretary,  
Finance Department,  
Govt. of NCT, Delhi,  
5, Sham Nath Marg, Delhi.
- .. Respondents

(By Advocate: Shri Rajinder Pandita)

ORDER (Oral)

S.R. ADIGE, VC (A)

Applicant seeks a direction to count his  
military service for the period w.e.f. 12.7.1963 to  
1.8.1968 in civil service for the purposes of  
calculation of retiral benefits.

2. We have heard applicant's counsel Shri  
M.C. Dhingra and respondents' counsel Shri Rajinder  
Pandita.

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3. Pleadings and submissions by either side reveal that respondents have been unable to take a decision on applicant's prayer for counting of the aforesaid period towards his pensionary benefits in the absence of concerned file No. Per/KSM/JSO/CTI/94-CDHG which has been called by Home Department, Govt. of NCT of Delhi in their letter dated 28.9.2000 (Ann. A-31), although applicant's option letter dated 27.7.94 is said to have been diarised vide No. 217/Estt. dated 29.7.94 in the Directorate General of Home Guards and placed in File No. Est 6(8)/K/77-CDHG vide letter dated 23.2.2000 (Ann. G).

4. Shri Dhingra submits that File No. Per/KSM/JSO/CTI/94-CDHG is not a departmental file relating to applicant but is applicant's self-kept personal file and, therefore, should not normally be required by respondents to process applicant's case. It is further submitted by Shri Dhingra that aforesaid file was sent to the Home Dept. by the office of Directorate General of Home Guards on or about 23.2.2000 and in any case the contents of the aforesaid file form annexures in the present O.A., and is, therefore, already with respondents, and there should not now be any difficulty for them to process applicant's case.

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5. Shri Pandita contends that the aforesaid file which is necessary to process the <sup>case,</sup> is not available with respondents for which reminders were sent to those concerned.

6. Be that as it may, we dispose of this O.A. calling upon applicant to take copy of this order along with the contents of file No. Per/KSM/JSO/CTI/94-CDHG, and hand over the same personally to the Director<sup>?</sup> General, Home Guards-cum-Director, Civil Defence, New Delhi on proper receipt, who should in turn transmit forthwith the <sup>same</sup> to the Home Department, Govt. of NCT of Delhi on proper receipt for expeditious processing of applicant's case.

7. Shri Dhingra states that as soon as applicant receives a copy of this order, he will hand over the same along with the copy of the aforesaid file to the D.G., Home Guards and we would expect the D.G., Home Guards to transmit the same to Home Department, Govt. of NCT of Delhi within one week of its receipt, who in turn are called upon to take a final decision on the question of counting of applicant's military service for purposes of retiral benefits within, six weeks from the date of receipt of the aforesaid file from the D.G., Home Guards.

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8. Applicant is retiring on superannuation on 31.10.2001 respondents should ensure that the aforesaid time limit is scrupulously adhered to.

10. The O.A. stands disposed of accordingly. No costs.

A. Vedavalli

(Dr. A. Vedavalli)  
Member (J)

S.R. Adige  
(S.R. Adige)  
Vice Chairman (A)

karthik