

(A)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 531/2001

New Delhi this the 7th day of March, 2001.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI M.P.SINGH, MEMBER (A)

Shrinivas Gupta S/O Ram Swarup Gupta,
R/O B-3, Laxmi Garden,
Najafgarh, New Delhi.

... Applicant

(By Shri H.C.Sharma, Advocate)

-versus-

1. Government of National Capital Territory of Delhi through its Chief Secretary, Old Secretariat, Delhi.
2. Drawing and Disbursing Officer, Government Library, Najafgarh, New Delhi. ... Respondents

O R D E R (ORAL)

Shri Justice Ashok Agarwal :

Applicant had retired on superannuation on 31.7.1981. In an earlier OA filed by applicant being OA No.1603/97 following, among other, directions had been issued by an order passed on 6.1.1999 :

"(ii) either release the aforesaid dues for the period 5.6.71 to 30.6.79 with interest @ 12% p.a. thereon from 1.7.95 upto the date of receipt of a copy of this order, pursuant to their own OM dated 20.6.95, or if they conclude that the applicant is not entitled under rules and instructions to selection grade for this period, pass a detailed, speaking and reasoned order within the aforesaid period stating precisely how they have come to this conclusion."

In CP No.8/2000 filed by applicant, following order was passed on 22.12.2000 :



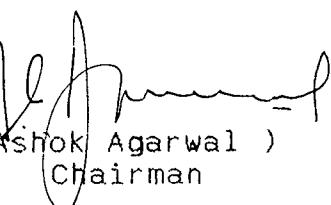
(2)

"12. In this connection we note that applicant had retired on superannuation quite some time back and is of advanced age. We have, therefore, no doubt in our mind that respondents will not take any steps to revise/reduce applicant's pension at this late stage of his life, even if, according to respondents, he was not entitled to pay fixation in selection grade at the time he retired on superannuation."

2. Respondents have now passed the impugned order of 24.1.2000 at Annexure A-III whereby applicant has been held ineligible for selection grade during 5.9.1971 to 30.5.1979. Aforesaid decision has been supported by a reasoned order. Applicant's pension, however, has not sofar been reduced based on the aforesaid order. Since applicant is found ineligible for selection grade during the aforesaid period, no question for claiming salary for the aforesaid period can arise. Similarly, since his pensionary benefits have not been adversely affected, present OA, based on ^{an} apprehension that the same may be reduced, is found to be premature.

3. Present OA, in the circumstances, we find, is devoid of merit. The same is accordingly summarily dismissed.


(M.P.Singh)
Member (A)


(Ashok Agarwal)
Chairman

/as/