

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP 493/2002 in
OA 2499/2001

New Delhi this the 5th day of August, 2003

(29)

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri R.K. Upadhyaya, Member (A)

Rajender Pal Bahl,
S/O Shri G.R. Behl,
R/O 48-A, AD Block,
Shalimar Bagh, New Delhi.

..Petitioner

(By Advocate Shri D.K. Garg)

VERSUS

Shri Ram Mehar, Lt. Colonel,
Officer in Charge,
Military Form, Pimri,
Pune (Maharashtra)

.. Respondent

(By Advocate Shri Rajeev Bansal)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J))

We have heard both the learned counsel for the parties. Shri D.K. Garg, learned counsel for the petitioner has submitted that in respect of one item mentioned in Para 2, sub-Para (5) of the CP, namely, the claim relating to pension on the basis of the revised pay fixation with interest, the same has not been considered by the respondents as no orders have been issued by them in this regard. In this connection, Shri Rajeev Bansal, learned counsel has drawn our attention to the order issued by the respondents dated 18.12.2000 which, in the circumstances of the case, cannot be accepted as an order issued by the respondents in pursuance of Tribunal's order dated 23.4.2002 in OA 2499/2001.

Yours

(30)

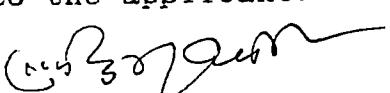
2. The Tribunal in its order dated 23.4.2002 had directed as follows:-

"The applicant submitted his application for voluntary retirement on 10.5.1997. His request should have been accepted or rejected by 9.8.97 and his retirement dues should have been settled and paid by 9.11.1997. In any case, the applicant had claimed that he should have been paid all his dues with interest w.e.f. 20.1.99 when his request for voluntary retirement was approved and communicated to him. Accordingly, in my view applicant is entitled to retiral benefits and other dues from due dates but interest will be leviable @ 9.5% w.e.f. 20.1.99. Ordered accordingly".

3. In the reply affidavit filed by the respondent, he has stated, inter-alia, that the aforesaid directions of the Tribunal's order dated 23.4.2002 have been complied with to the best of understanding of the deponent i.e. Col.P.K.Tikoo working as Director, MF, Army Headquarters.

4. In view of the above facts and circumstances of the case, we consider it appropriate to dispose of this CP with the following direction:-

Respondents are further directed to verify from their records and if the above left over claim of the petitioner has not been attended to till date, they shall do so and pass an appropriate order as per the scale recommended by the Vth Central Pay Commission, keeping in view the order of the Tribunal dated 23.4.2002, within two months from the date of receipt of a copy of this order positively, with intimation to the applicant.


(R. K. Upadhyaya)

Member (A)


(Smt. Lakshmi Swaminathan)
Vice Chairman (J)