

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No. 1776/99

(10)

New Delhi this the 8th day of September, 2000.

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VICE-CHAIRMAN (J)

S.P. Dhir,
R/o D-67/9, Moti Bazar,
Dehradun, U.P.Applicant

(None for the applicant)

-Versus-

Mrs. Aruna Makan,
ICAS, Principal Chief
Controller of Accounts,
Central Board of Direct Taxes,
9th Floor, Lok Nayak Bhawan,
New Delhi-110 003.Respondent

(By Advocate Sh, Gajender Giri)

O R D E R (ORAL)

The applicant, who was a Government servant, was absorbed in ONGC and retired in 1964. Since the applicant became a pensioner, relying upon Rule 48-A readwith Rule 30 of CCS (Pension) Rules, he claims that he is entitled for weightage of 5 years of qualifying service for the purpose of superannuation pension.

2. The learned counsel for the respondent, however, submits that the OA is not maintainable, as the appointing authority, viz. Chief Commissioner of Income Tax was not made a party and the respondent, Zonal Accounts Officer is not competent to grant any relief. It is also stated that the applicant made representations to the appointing authority on 20.10.99, 1.11.99 and 19.11.99. As the OA was pending the same were not disposed of.

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3. It is also contended by the learned counsel for the respondent that the applicant is not entitled for any benefit under Rule 30, since he has not completed 25 years at the time of initial appointment, as required under Rule 30 and also that Rule 48-A has no application since the applicant had joined an autonomous body/public sector, viz. ONGC.

4. I have given careful consideration to the contentions raised. The OA appears to be pre-mature. Though the applicant had made representations on 20.10.99, 1.11.99 and 19.11.99, before they were disposed of he filed the OA. Annexure R-1, proceedings dated 29.11.99 of the appointing authority, make clear that the respondent has no jurisdiction to give any relief to the applicant. I will not presently go into the question as to the applicability of the Rules 30 or 48-A to the applicant.

5. Since the representations are made to the appointing authority, it is for the appointing authority to consider whether these rules are applicable to the applicant or not. I, therefore, direct the authority to dispose of the representations within a period of three months from the date of receipt of a copy of this order. The learned counsel for the respondent is directed to send a copy of this order to the appointing authority.

6. With the above directions, the OA is disposed of. No costs.

V. Rajagopala Reddy
(V. Rajagopala Reddy)
Vice-Chairman (J)

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