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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 2547/98

New Delhi: this the 29<sup>th</sup> day of September, 2000.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

N. K. Sarsoonia,  
S/o Late Shri Ram Sukh,

R/O 4765/46,

Regarpura,  
Karol Bagh,

New Delhi: 5

...Applicant.

(By Advocate: Shri B. B. Rawal )

Versus

Govt. of NCT of Delhi,  
through

the Chief Secretary,  
5, Shyam Nath Marg,  
Delhi.

2. UOI  
through

the Secretary,  
Ministry of Human Resource Development,  
Govt. of India,  
Shastri Bhawan,  
New Delhi-1

3. The Secretary (Technical Education),  
Directorate of Training & Technical Education,  
Block "C" Vikas Bhawan,  
I.P. Estate,  
New Delhi-2

..... Respondents.

(By Advocate: Shri Ajay Gupta)

ORDER

Mr. S. R. Adige, VC (A):

Applicant seeks a direction to respondents to count his service with Hindustan Aeronautics Ltd., from 1.11.73 to 31.1.78 for purpose of pensionary benefits and to direct respondents to let him know how much he would have to refund to respondents in terms of PF/gratuity received from Hindustan Aeronautics Ltd. in case his prayer was accepted.

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(A)

2. Respondents in their reply have pointed out that although applicant joined their organisation in 1978 he applied for counting of past service only on 21.12.87.

3. It however appears that after protracted correspondence, Respondent No.3 has sought the approval of Respondent No.2 vide letter dated 16.4.98 (Annexure-A-26) in condoning the delay for exercise of option by applicant towards counting of his past service. In their reply respondents state that only Respondent No.2 has the power to condone the delay. We are informed that no decision has been communicated by Respondent No.2 on this reference dated 16.4.98 as yet, although over 2 years have elapsed since it was made. <sup>also</sup> Meanwhile we are informed that applicant will be retiring on superannuation very shortly.

4. Under the circumstances, we dispose of this OA with a direction to Respondent No.2 to take a final decision on the reference made in letter dated 16.4.98 within 2 months from the date of receipt of a copy of this order. If any grievance survives thereafter, it will be open to applicant to agitate the same in accordance with law, if so advised.

5. The OA is disposed of in terms of para 4 above. No costs.

A.Vedavalli  
( DR.A.VEDAVALLI )

MEMBER (J)

S.R.Adige  
( S.R.ADIGE )  
VICE CHAIRMAN (A).