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CENTRAL ADMINISTRATIVE TRIBUNAL : PRINCIPAL BENCH

OA No.24/95

New Delhi this the 5th Day of April, 1995.

Hon'ble Sh. N.V. Krishnan, Vice-Chairman (A)  
Hon'ble Dr. A. Vedavalli, Member (J)

Arjun  
Son of Murli,  
Village Naharpur,  
Distt. Gurgaon. ...Applicant

(By Advocate Sh. S.K. Gupta)

Versus

1. Secretary,  
Ministry of Defence,  
South Block,  
New Delhi.
2. Engineer-in-Chief (MES),  
Army Headquarter,  
Kashmere House,  
New Delhi.
3. Garrison Engineer (South),  
Air Force Palam,  
Delhi Cantt.
4. Chief Engineer,  
Western Command,  
Headquarter Record Office  
Chandimandir (Near Chandigarh) ...Respondents

ORDER (Oral)  
(Hon'ble Mr. N.V. Krishnan)

We have heard the learned counsel. The facts of the case are that the applicant was in military service between 12.11.40 to 22.5.46. After resigning from the military service he joined as a Pump Attendant in the Military Engineering Service in 1948 and retired as a Pump Attendant on 31.7.75. He was given contributory provident fund. However, on his application he was allowed the benefit of pension w.e.f. 1.5.79. On 5.7.93 the applicant made a representation to the respondents to count this military service also for the purpose of pension and

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pensionary benefits in terms of the Annexure 'A' memorandum of the Ministry of Public Grievances and Pensions dated 31.5.88. Not receiving any reply has has sought a direction to the respondents to count this military service of five and a half years for the purpose of calculating pension and pensionary benefits and give the same to the applicant.

2. We wanted to know from the learned counsel as to whether this application is not beyond our jurisdiction, for, in our view the request that is now made ought to have been made by him either when he applied for pension or when pension was sanctioned to him w.e.f. 1.5.79. The learned counsel has not been able to satisfy us on this score. In our view, the ~~as~~ <sup>had</sup> cause of action in this case ~~as~~ arisen long before the Administrative Tribunals Act, 1985 came into force and at any rate, much before 3 years before the Administrative Tribunals Act, 1985 came into force. Hence, in terms of Section 21 (2) of the Administrative Tribunals Act, 1985 this application is beyond our jurisdiction.

3. In the circumstances, it cannot be entertained. The Registry is directed to return one copy of the application to the applicant's counsel for presentation before the appropriate forum, ~~of~~ advised

A. Vedavalli  
(Dr. A. Vedavalli)  
Member(J)  
'Sanju'

N.V. Krishnan  
Vice-Chairman(A)