

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A. No. 1401/96

New Delhi: this the 26th day of April, 2000

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

HON'BLE MR. KULDIP SINGH, MEMBER (J)

Shri Chand Singh,
S/o Shri Madanpal Singh,
R/o F-108(F) Pandav Nagar (Patparganj),
Delhi-92

working as JSA-I,
Scientific Analysis Group, Metcalfe House,
Delhi-54

.....Applicant

(Applicant in person)

Versus

1. Union of India
through
Secretary,
Ministry of Defence,
South Block,
New Delhi.

2. Director General,
Research & Development (DG R & D),
Ministry of Defence,
South Block,
New Delhi -11

3. Dy. Controller of Defence Accounts (R & D),
Metcalfe House,
New Delhi -54

4. Director,
Directorate of Education,
Govt. of NCT,
Old Secretariat,
Delhi -54.

5. Director,
Scientific Analysis Group,
Metcalfe House,
Delhi -54

.....Respondents

(By Advocate: Shri N. S. Mehta)

ORDER

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

Applicant impugns respondents' letter dated
20.7.95 (Annexure-A1) and seeks

(i) pay fixation at the rate of Rs. 1680/- n.m.

in the scale of Rs. 1400-2300 upon his re-employment as an Army Pensioner;

- (ii) D.A. & other allowances on the pay plus the ignored value of full pension for purposes of calculating DA;
- (iii) Children's education allowances; and
- (iv) Costs.

2. Admittedly applicant was a Subedar in the Signal Corps of the Indian Army, who upon retirement was appointed as Jr. Scientific Asst. Grade I in the pay scale of Rs. 1400-2300 vide appointment letter dated 17.8.89 (Annexure-R-1).

3. It is not denied that applicant at the time of his retirement from Defence Forces held a post below Commissioned Officer rank, and was below the age of 55 years. In accordance with Order 4(d)(i) CCS (Fixation of pay of Re-Employed Pensioners) Orders, 1986 (Annexure-R-VI) the entire pension was to be ignored for initial pay fixation on re-employment and under Order 4(b)(i) in cases where the pension is fully ignored, the initial pay on re-employment is required to be fixed at the minimum of the scale of the re-employed post. Hence no infirmity can be detected in applicant's pay fixation at Rs. 1400/- upon his initial appointment as JSA I in the scale of Rs. 1400-2300. Applicant has relied upon Order 17 (Annexure-A-IA) of those Orders but that merely talks of details being called for from the Audit Officers, and does not advance applicant's claim. Hence relief (i) above is rejected.

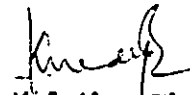
4. As regards relief (ii), the impugned letter dated 20.7.95 itself makes clear that applicant cannot

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JSA I. It is upto applicant to furnish a certificate from the Pension Disbursing Authority that he is not being paid DA on his pension, for respondents to release DA on his reemployment salary.

5. As regards relief (iii), the relevant rules prescribe that a Govt. employee is eligible to draw children's educational allowances when he is compelled to send his child to a school away from the station at which he is posted and/or^{is} residing, owing to the absence of a school of the requisite standard at that station. There is no compulsion upon applicant to send his son to a Military School, and he cannot claim CEA because he is sending his son to a Military School. There are also no materials furnished by applicant to establish that there are no school of the requisite standard, that is^a Higher Secondary School, at the place where he is posted and/or^{is} residing.

6. In the light of the above, we find no reasons to interfere in this OA. It is dismissed. No costs.


(Kuldip Singh)
MEMBER (J)


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

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