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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

OA 1918/1996

New Delhi this the 12th day of September, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

TA 4069/Ex-Major B.S. Ahluwalia
7/102, Subash Nagar,
New Delhi-110027

..Applicant

(By Advocate Shri R.L. Sethi)

Versus

1. Union of India through:

The Secretary,
Ministry of Agriculture, Deptt. of
Agriculture, Directorate of
Eco. & Statistics,
Krishi Bhawan, New Delhi-1

2. Addl. Director General,
Territorial Army (TA-4),
General Staff Branch,
Army Head Quarters, DHQ
P.O. New Delhi-110011

..Respondents

(By Advocate Sh. S.M. Arif, learned counsel
through proxy counsel Sh. Q.F. Rehman for
Respondent 1)

(By Advocate Sh. R.V. Sinha, learned counsel
through proxy counsel Sh. R.N. Singh for
Respondent 2)

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

The applicant is aggrieved by the non-action of the respondents in not fixing his pension on his voluntary retirement from service w.e.f. 1.4.1978. According to the applicant his pay should have been fixed at Rs. 1650/- PM at the relevant time when he retired from service.

2. I have heard Shri R.L. Sethi, learned counsel for the applicant and Shri Q.F. Rehman proxy counsel for Shri S.M. Arif, learned counsel for Respondent 1 and Shri R.N. Singh, Ld. proxy counsel for Shri R.V. Sinha, for Respondent 2.

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3. Shri R.L.Sethi, learned counsel has invited my attention to the letter issued by Respondent 1 dated 10.7.92 regarding re-fixation of Civil Pension of the applicant in which it has been stated, inter-alia, that the case has been forwarded to CGDA for re-examination and as and when decided it will be informed to the applicant. Learned counsel has submitted that inspite of several reminders thereafter, the respondents have neither re-examined the applicant's case for re-fixation of his civil pension or intimated to him if any such decision has been taken so far.

4. Neither of the learned proxy counsel for the respondents has been able to produce any documents to show that the decision in this matter has been taken by the respondents. A preliminary objection has been taken by the respondents that the OA is barred by limitation. Having regard to the facts and circumstances of the case and the decision of the Hon'ble Supreme Court in M.R.Gupta Vs. UOI (1995(5)Scale 29, this plea is rejected.

5. It is noted from the reply filed on behalf of Respondent 1 that they have stated that they had requested the Department of Personnel and Training to advise them whether the emoluments for the last 10 months drawn by the applicant in the Territorial Army should be reckoned for the purposes of calculating the pension. What advise, if any, had been given by the concerned Department is ^{also} not on record.

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Various other objections have also been taken by Respondent 1.

From the replies, filed it cannot be stated that they have rejected the applicant's claim for re-fixation of Civil Pension on the basis of Rs.1650/-PM as claimed by him. It is indeed unfortunate that considering that the applicant has retired from service with Respondent 1 as far back as 1.4.1978, the matter is still lingering for the last 22 years.

6. In view of what has been stated above this OA is disposed of with a direction to the respondents to take an appropriate decision in the matter for re-fixation of Civil Pension of the applicant as expeditiously as possible.
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In any case/decision shall be taken within one month from the date of receipt of a copy of this order with intimation to the applicant. Thereafter they shall take necessary steps to make payments which may become due to the applicant also immediately. No order as to costs.

Lakshmi Swaminathan
(Smt.Lakshmi Swaminathan)
Member(J)

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