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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No. 1374 of 1997

New Delhi, this the 20th day of April, 1998

Hon'ble Mr. N. Sahu, Member(Admnv)

Sh. Mohsin Zafar Ansari, Pharmacist,
Central Drug Store, N.N.M.C. Hospital,
A.M.U. Aligarh

-APPLICANT

(By Advocate Shri A.K. Bhardwaj)

Versus

1. National Capital Territory of Delhi through the Director, Directorate of Health Services, E-Block, Saraswati Bhawan, Connaught Circus, New Delhi-110001
2. The Joint Director (Admin), Directorate of Health Services, E-Block, Saraswati Bhawan, Connaught Circus, New Delhi-110001.
3. The C.M.O. National Capital Territory of Delhi, East Zone, NCTD Dispensary, Geeta Colony, New Delhi.
4. The Deputy Registrar, Service Book and Pension Section, Registrar Office, Aligarh Muslim University, Aligarh.
5. The Medical Superintendent, J.N. Medical College Hospital, A.M.U., Aligarh, U.P.

-RESPONDENTS

(By Advocate Shri Rajinder Pandita)

O R D E R

By Mr. N. Sahu, Member(Admnv) -

The relief claimed in this Original Application is to direct the respondents to remit the commuted value of his pension and gratuity for past services rendered from 12.3.1975 to 29.7.1988 with the Directorate of Health, NCTD. His second prayer is to mandate the respondents to send his original service book and leave account to the Deputy Registrar, Service Book & Pension, Aligarh Muslim University (in short 'AMU').

Signature

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2. It is unnecessary to go into the merits of the case or to discuss the elaborate pleadings in this behalf compiled by the applicant. Respondents 1 to 3 have stated in the counter that the grievances of the applicant have been met. Mr. Pandita states that although the respondents have remitted the retiral benefits claimed, yet the applicant having resigned from the service of NCTD, Directorate of Health, he has no right to claim any retiral benefits and the respondents may be advised in this regard. Since Shri Pandita insisted that his argument be recorded as above. I had done so; but this point has become academic. Under the circumstances of this case resignation was tendered by the applicant and accepted by the employer only with a view to facilitate his entry into AMU. The facts show that his application to the AMU having been forwarded by the Govt. of NGTD, and his selection being known to them, the resignation was a technical and formal one pursuant to his selection. Such a resignation will not come in the way of his claiming pension for the past services rendered if otherwise such a claim of pension is in conformity with other conditions laid down in this regard. Respondents 1 to 3 have considered all these facts and approved the applicant's leaving their service and joining the AMU.

3. As all the grievances of the applicant have been met, there is no further point to be decided in this O.A. If the applicant finds that there is any difficulty or delay in receiving the money, he can

again revive this O.A. or file a fresh O.A. It is unlikely that in view of the clear orders dated 30.9.1997 exhibiting also in a calculation sheet the basis for commutation of pension as well as gratuity, there should be any difficulty for the applicant in securing his retiral benefits. The O.A. is disposed of as above. No costs.

Narasimha Sahu
(N. Sahu)
Member (Admnv)

rkv.