

Central Administrative Tribunal  
Principal Bench: New Delhi

OA No.743/97

(7)

New Delhi, this the 7th day of November, 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)  
Hon'ble Shri N.Sahu, Member (A)

Brij Bhushan Gupta  
c/o Sh. J.D.Gupta,  
3004, Kuncha Neel Manth/  
Behind Post office,  
Darya Ganj, Delhi. ....Applicant

(By Advocate: Shri G.D.Bhandari)

Vs.

Union of India through

1. Secretary,  
Ministry of Defence,  
New Delhi.
2. Headquarters,  
Commandar Works Engineers,  
29-J, The Mall,  
Meerut, Cantt.
3. Chief Enginner (Engrs.Br.),  
Central Command,  
Lucknow.
4. C.D.A. (Army),  
Meerut Cantt.
5. Engineer in Chief,  
Army Hq. Kashmir House,  
DHQ P.O. New Delhi- 110 001.
6. Sikh L.I. (Record)  
Fatehpur (Uttar Pradesh). ....Respondents

(By Advocate: Shri M.L. Verma)

O R D E R (ORAL)

Dr. Jose P. Verghese, Vice-Chairman (J)-

The relief sought in this case is that the respondents be directed to extend the benefit of Ministry of Defence OM dated 4.12.1964 and in accordance with the said OM the break in service between 1.2.1965 to 30.6.1967

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be condoned and thereafter re-calculate his pensionary benefits in view of the fact that the petitioner has superannuated on 31.10.1996.

2. By a letter dated 12.5.1994 at Annexure A-18, it was shown that the said OM is applicable to the case of the applicant and the Commander Works Engineer Shri R.M. Khosla has stated that it is a fit case for condonation of break in service of the petitioner as the same has happened due to circumstances not within his power.

3. After notice respondents have filed their reply and stated that the question of condonation of break in service in respect of the petitioner was taken up before the appropriate authorities with a view to finalise the case before his retirement and the same could not be achieved in time. Even after the retirement, the respondents have stated that they had taken up the matter with the concerned authorities vide their letters dated 10.1.1997 and 20.5.1997 addressed to C.D.A. (Army), Meerut Cantt. Thereafter again a letter dated 21.4.1997 was addressed to the Headquarters, Chief Engineer, Central Command, Lucknow in response to E-in-C's Br. Army Headquarters, New Delhi letter dated 31.3.1997. The communication/file seems to have reached the Chief Engineer Central Command, Lucknow by 26.4.1997. All these do indicate that genuine efforts are being made to finalise the matter.

4. The counsel appearing on behalf of the respondents stated that he may be granted eight weeks time to pass a final appropriate order. In the circumstances of

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the case, we are of the opinion that the respondents shall pass appropriate orders in the light of the observation made above as well as in the light of the orders of the respondents themselves at page 39 of the paper book namely the one dated 12.5.1994 ; after passing the appropriate orders the same shall be communicated within the period stipulated to the petitioner. The dues, if any, as per the said order shall also be given forthwith. In the event any further delay occurs, the petitioner will be entitled to 9% interest thereafter from the expiry of the said eight weeks period.

5. With this, this OA is disposed of with no order as to costs.

*Naresh*

(N.Sahu)  
Member(A)

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(Dr. Jose P. Verghese)  
Vice-Chairman (J)