

21 62
CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. 65 of 1994

New Delhi this the 17th day of January, 1994

Mr. Justice S.K. Dhaon, Vice-Chairman
Mr. B.K. Singh, Member(A)

Shri Malook Ram
R/o B-129, Kidwai Nagar,
New Delhi.

...Applicant

None for the applicant

Versus

1. Union of India through Secretary,
Min. of Commerce,
Govt. of India,
New Delhi.
2. Chief Controller of Imports and Exports,
Administration N.G.A. Brach,
Office of the Chief Controller of Imports and
Exports, Udyog Bhavan,
New Delhi. ...Respondents

ORDER (ORAL)

Mr. Justice S.K. Dhaon, Vice-Chairman

The material averments in the O.A. are these. On 16.01.1950, the applicant joined the Army as a Sepoy Clerk. On 26.08.1955, he obtained voluntary retirement. In 1956 he joined the Government service and on 31.05.1987, he retired from that service.

2. The principal relief claimed is that the respondents may be directed to count the service rendered by the applicant in the Army for the purpose of fixing his seniority, grant of annual increments and other consequential benefits including the benefit after retirement.

3. To the O.A., the applicant has annexed a copy of the judgment given by this Tribunal in O.A. 1346 of 1989 and other connected matters decided on 18.03.1991. Heavy reliance has been placed by the applicant on the said judgment. This judgment, in its turn relies upon a decision given by this Tribunal in OA No.70 of 1989 decided on 18.01.91. That was a case where certain persons who were employed in the Army as Sepoy Clerk/Havaldar Clerk were declared surplus.

(3)

.2.

Thereafter, the respondents took them in Government service. In that situation, the Tribunal directed that the service rendered by them may be counted for the purpose of seniority etc.

4. We have already stated that it is the applicant's own case that he took a voluntary retirement. In our opinion, the applicant is not entitled to any relief and the service rendered by him in the Army cannot be counted.

5. The application has to be rejected summarily.


(B.K. SINGH)
MEMBER (A)
17.01.1994


(S.K. DHAON)
VICE CHAIRMAN
17.01.1994

RKS
170194