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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA.No.797/88

MP.No.3612/93

Dated this the 7th February, 1994.

Shri C.J. ROY, Hon.Member(J)

Shri.P.T.THIRUVENGADAM, Hon.Member(A)

Shri Gurbachan Singh Sawhney,
S/o Late Shri Kartar Singh Sawhney,
R/o WZ-A/1 Street No.8,
Krishna Park,
New Delhi - 18.

Applicant

Applicant in person.

versus

Union of India through:

1. Respondent No.1

Secretary, Ministry of Defence,
South Block, New Delhi 110 011.

2. Respondent No.2

Engineer-in-Chief,
Army Hd.Qrs.
Kashmir House, New Delhi.

3. Respondent No.3

Chief Engineer,
Northern Command,
C/o 56 A.P.O.

4. Respondent No.4

Chief Engineer, Udhampur Zone,
UDHAMPUR (J & J).

5. Respondent No.5

Commander, HQ 135,
Works Engineers, c/o 56 A.P.O. Respondents

By Advocate ~~Smt~~/Mrs.Raj Kumari Chopra.

(ORAL) ORDER (by Hon.Member(A) Shri P.T.THIRUVENGADAM)

This OA has been filed by the applicant praying for the

following reliefs:-

- (1) To regularise the period of suspension and removal from service ie. from 26 Aug.68 to 6th June 1969 as period 'Spent on duty' for all purposes.
- (2) To make the payment of pay and allowances for the period of suspension (from 26 Aug.1968 to 19th March 1969) and for the period from 20th March 1969 to 6th June 1969 ie. intervening period from 'date of removal from service' to the date of reinstatement.
- (3) To allow interest on the said dues at the present market rate of 18% p.a. till date of payment.
- (4) To pay the cost of this application ie. counsel's fees and other incidental charges.

2. The applicant appeared in person and argued the matter.

Capt. Bhikham Singh, departmental representative on behalf of the respondents is also present. The last order which has been passed in the departmental case dated 11/30.8.82 vide reference No.C-14/98/EIC conveys warning to the applicant to remain vigilant and to avoid recurrence of such lapses in future.

The applicant referred to certain representations submitted by him dated 20.10.87 to his department for treating the suspension period in 1968-69 as ^{sh.} duty, and for the payment ^{of} of pay and allowances for the period. His grievance is that he has not received any reply from the respondents to his representation. He has also produced a copy of memorandum dated 18.4.84 by which, the period from 1.4.66 to 31.1.84 which includes the period of suspension from 26.8.68 to 19.3.69 as well as the further period from 20.3.69 to 6.6.69 when he was subsequently reinstated after removal from service on 20.3.69. ^{have been verified} From this certification, of qualifying service for pension after completion of 25 years of service, how exactly the periods during 1968-69 have been treated, do not come out clearly. As far as this Tribunal is concerned, the last order in the departmental case was issued sometime in August 1982 and any consequential benefits which is alleged to have been denied, cannot be gone into at this stage since

limitation applies to all final orders passed three years prior to 1.11.1985, the date on which the the Administrative Tribunal was conferred with jurisdiction to deal with the service matters. ~~Only~~ On this issue of limitation/jurisdiction this OA cannot be entertained and is liable to be dismissed. However, the applicant is at liberty to refer to his department specifically in reference to the memorandum dated 18.4.84 on the aspect of qualifying service and seek for remedy he thinks fit. With the above observation, the OA is disposed of.

No costs.

P. T. Thiruvengadam

(P.T. THIRUVENGADAM)
MEMBER(A)
7.2.94

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C. D. Roy
(C.D. ROY)
MEMBER(J)
7.2.94