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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A.No.865 of 1988

Date of decision: 17-9-1993.

Bhagwant Singh.. .. Applicant
Versus

Union of India & ors. .. Respondents.

CCRAM:

Hon'ble Mr B.N.Dhoundiyal, Member(A)

Hon'ble Mr B.S.Hegde, Member(J)

For the applicant: None.

For the respondents: Mr P.P.Khurana

JUDGMENT(Oral)

(By Hon'ble Mr B.N.Dhoundiyal, Member(A))

None has put in appearance on behalf of the applicant. Since this case has been pre-emptorily fixed for final hearing, we therefore, proceed to dispose of the application on merits ^{on} and on the basis of the record.

2. The averments made by the applicant are that he rendered military service from 7.8.1950 to 20.8.1971 and joined Military Engineering Service on 28.10.1971. His pay was fixed by the Chief Engineer, Western Command, Chandimandir at Rs.272/- less Rs.30.20, instead of fixing the pay @ Rs.272/- less Rs.18/-, ignoring Rs.50/- from his military pension of Rs.68/- per month. He also seeks the benefit of the arrears contained in the Memo. dated 19th July, 1978 of the Ministry of Finance, whereby ^{the} full amount of ^{military} pension _{be} has to be ignored. He has prayed that the amount deducted from his pension be refunded to him and the pay be re-fixed accordingly on the re-employment

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in civilian capacity.

3. The respondents have contended in their counter that while making the claim, the applicant has not taken into account the amount of pension equivalent to gratuity. According to them, the pay was correctly fixed at Rs.272/- per month less Rs.30.20, as payable pension of the applicant was treated as Rs.80.21, that is, Rs.68/- + Rs.12.21, pension equivalent to gratuity. As regards the benefit of O.M.dated 19th July, 1978 issued by the Ministry of Finance, the applicant had not given his option, as envisaged in para 5 of the said O.M. They also contended that the applicant himself will be the loser if his pay is re-fixed in terms of the said instructions.

4. In view of the above clarification, we hold that the applicant has no case. The application is, therefore, dismissed. There will be no order as to costs.

(B.S.Hegde)

Member(J)

(B.N.Dhondiyal) 17/5/73

Member(A)

/sds/