



**Central Administrative Tribunal
Principal Bench, New Delhi**

**OA No.1709/2020
MA No.1664/2020
MA No.2218/2020**

Today this the 3rd day of November, 2020

Through video conferencing

**Hon'ble Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Naseem Ahmad
S/o Syed Mohammad Suleman
R/o C-32, Sector-34, Noida.

..Applicant

(Mr. Vijay Kumar Sharma, Advocate)

Versus

1. The Ministry of Defense
Through Secretary
South Block, Central Secretariat
Raisina Hills, New Delhi-110001.
2. The Controller Defence Accounts
Headquarter, Sena Bhawan
K. Kamaraj Road, Near Udyog
Bhavan Metro, New, Vijay Chowk Area
Central Secretariat, New Delhi-110001.
3. The Principal Controller of Defense Accounts(Pensions)
Draupati Ghat, Allahabad-211014.
4. Joint Secretary & CAO
Pension Cell, Room No.130
E Block Hutmets
Dara Shikoh Marg
New Delhi-110011. ..Respondents

(Ms. Geetanjali Sharma, Advocate)



Order (Oral)

Justice L. Narasimha Reddy:

MA No.1664/2020

This Application is filed with a prayer to condone the delay in filing the OA. The applicant claims the relief in the form of a direction to the Ministry of Defence (MoD), Office of Principal Controller of Defence Accounts (Pensions) to grant him pension and other retiral benefits with interest @ 18%.

2. When the MA was listed earlier for hearing on 12.10.2020, we pointed out that the extent of delay involved is not mentioned in the MA. Except that an additional submission is made, the applicant did not indicate the delay in the MA. During the course of the arguments and on persistent questioning, learned counsel for the applicant stated that the delay is nearly 35 years reckoned from 1985.

3. Initially the applicant was an employee of All India Radio. Somewhere in the year 1972, he is said to have gone to MoD. Thereafter, in the year 1985, he is said to have got an appointment in the Gas Authority of India Limited (GAIL). There, he retired from service in year 1996. The applicant contends that the MoD is under obligation to pay him, the pension since his technical resignation was accepted by them in the year 1985. Though the MA is silent, it is evident from the



record that the delay involved is nearly 35 years, i.e., almost one generation.

4. We are aware of the fact that the right to receive pension by an employee constitute a continuous cause of action. At the same time, the claim presented 35 years after the applicant left the organisation cannot at all be entertained, whatever be the latitude shown by the Courts towards a retired employee.

5. In case the applicant wan entitled to receive pension from the MoD, he ought to have pursued the matter as soon as it became due. He was in service of GAIL for about ten years. Even during that time, the issue was required to be settled. He retired from service in 1996. 25 years thereafter, he started claiming pension from the MoD. Viewed from any angle, the claim cannot be considered at this stage. The only reason furnished by the applicant for condonation of such a long delay is that he was posted outside Delhi. Even if that is true, nothing prevented him from pursuing the remedy over the past 35 years.

6. We do not find any merit in the M.A. It is accordingly dismissed. As a result, the O.A. cannot be taken on file.

7. M.A. No.2218/2020 stands disposed of.



There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

**(Justice L. Narasimha Reddy)
Chairman**

November 3, 2020

/sunil/vb/ankit/sd