

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.213/2020

Date of Decision: 9th September, 2020

CORAM: R. VIJAYKUMAR, MEMBER (A)

Harishchandra A Jadhav
N.C.H. Colony, Bldg No.O,
Room No.5,
Kanjurmarg West, L.B.S. Road,
Mumbai.
Ph:-9594868192
Email-Nil

... *Applicant*

(By Advocate Shri Kartikeya Bahadur)

Versus

1. Union of India through
The Secretary,
Ministry of Defence,
South Block,
New Delhi – 110 011.
2. Admiral Superintendent
Naval Dockyard Mumbai
Mumbai – 400 023.
3. The Flag Officer Commanding-in-Chief,
(for CSO (P&A)
Headquarters, Western Naval Command,
Mumbai – 400 023. ... *Respondents*

ORDER (ORAL)

This matter was heard today through videoconference, with the consent of learned counsel for the applicant.

2. Heard learned counsel for the applicant on the preliminary issue of

jurisdiction. He submits that he has not challenged the orders issued by the respondents under the Public Premises Act or in regard to his occupation of quarters and his only request is limited to re-fixation of his pension under the 7th Pay Commission and for grant of certain benefits of gratuity and others that were due under the 7th Pay Commission. In this connection, he has received a letter impugned by him at A-1 dated 26.04.2019 asking him to obtain a No Demand Certificate in regard to the rent and allied charges for the official quarters that he was in occupation beyond the permitted period. Learned counsel for the applicant agrees that he has not submitted such a No Demand Certificate and now he only wants a show cause notice to ask him to submit such a No Demand Certificate. However, the standard practice in all Central Government offices is that at the time of claiming pension, the applicant is required to submit a No Demand Certificate after settling all his dues from the authorities

who control allotment and return of quarters by the Government servant. Further, when an official is allotted quarters, he cannot occupy unless he obtains a certificate from his employing office that they will make the necessary salary deductions and also ensure that prior to granting pensionary benefits, he obtains an NDC and submits to his employer as evidence of clearance of dues. This procedure has evidently not been followed by the applicant and it is necessary that he settles all his dues as already contracted by him and not seek a further demand notice. In any case, relevant information has also been provided to the Applicant in the impugned letter. The Applicant has not challenged the computation, as confirmed by his learned counsel but if that is a doubt, he should have submitted an appropriate representation with his doubts. The Applicant is clearly bound to do all the duties that are required of him for getting his pensionary benefits before he approaches a Court with his grievances.

3. In the circumstances, this OA is clearly frivolous at one level and premature at best and is accordingly, dismissed as having no real cause of action. At this stage, we do not wish to impose any costs.

(R. Vijaykumar)
Member (A)

Ram.

JD
07/10/2020