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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No.2324/93

New Delhi this the 19th day of August 1994

Hon'ble Shri J.P. Sharma, Member (J)

Hon'ble Shri P.T. Thiruvengadam, Member (A)

Beg Raj Singh
Vill. Sikhera,
P.O. Dhakauli,
Teh. Bagpat,
Distt. Meerut, (U.P.)

.... Applicant

(By Shri ~~Gian Singh~~, Advocate)

Vs.

1. Union of India
through
Garrison Engineer,
Tejpur
P.O. Dekar gaon (Salmara)
Distt. Sonitpur (Assam)

2. Engineer-in-Chief
E-in-C's Branch
Army Head Quarters (AHQ)
Kashmir House,
DHQ P.O.
New Delhi.

.... Respondents

(By Shri ~~P.H. Ramchandani~~, Advocate)

O R D E R

Hon'ble Shri J.P. Sharma, Member (J)

The Applicant after serving Indian Army retired from the army and was given a civilian post and joined 505 Army Base Workshop, Delhi Cantt. He was transferred to Ordinance Factory, Khamariya, Jabalpur, M.P. From there, he was transferred to MES Garrison Engineer, Tejpur (Assam) w.e.f. 20.3.73 and remained there till 3.5.75. The applicant was dismissed from service by Garrison Engineer, Tejpur on 3.5.75. He challenged that order dated 11.12.75 in the Hon'ble Court of Munsif Magistrate, Meerut

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in a suit No.356/79 filed in November 1978. That suit was decided exparte by the order dated 18.11.82. The suit was decreed exparte. The order dated 11.12.75 dismissing the services of the plaintiff was declared illegal and ineffective. The Department has preferred an appeal against the said order Civil Appeal No.52/88 (however the Appeal No. in the impugned order is 462/64) and it is said that the same is pending there. The applicant was reinstated in service in his post by the Garrison Engineer on 17.4.84. The applicant has since retired from service in May 1991.

2. The applicant filed this application in November, 1993. Aggrieved by the order dated 20.9.93 rejecting his representations filed in March and July, 1993 claiming the pay for the period from 3.5.75 to 16.8.84 he has also been told that his G.P.F. account has already been closed with final payment of Rs.6,458/- in April, 1992 and nothing is due. Regarding the other claims of T.A./D.A. and CGEIS the steps have been taken for the payment of the same.

3. The applicant has prayed for grant of number of reliefs which are quoted below:

Direct to the respondents to pay a total sum of Rs.709312/- to the applicant soon as per the details given below:

- | | | |
|-------|---|------------|
| (i) | Pay and allowances for the period 3.5.75 to 16.4.84 with 18% compound interest. | 4,00,000/- |
| (ii) | GPF with 18% compound interest | 70,000/- |
| (iii) | IOWF fund with 18% compound interest | 30,000/- |
| (iv) | Permanent claim of TA/DA on pension | 2,812/- |
| (v) | Arrears of enhanced salary for the period 17.4.84 to 30.4.91 and pension and gratuity since 30.4.91 on account of higher fixation of pay due to increments and promotions with 18% compound interest. | 2,00,000/- |

Total: 7,09,312/-

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4. The Respondents were given the notice for hearing on admission. But the respondent did not file any reply though Shri P.H. Ramchandani Prayed for time on 6.6.94. None appeared for the respondents on 11.8.94. The applicant's counsel therefore was heard. The applicant has shown his residence in Village Sikhera, Distt. Meerut and as such there being no request under section 25 for retaining this O.A. at the Principal Bench and no orders have been obtained in that regard. The Principal Bench have no jurisdiction to entertain this application.

5. The Civil Appeal against the impugned order of Munsif, Meerut Passed exParte in suit number 356/79 is admitted to be pending by the applicant in U.A. and also mentioned in the impugned order dated 20.9.93. The applicant has been reinstated in pursuance to the order of learned Munsif, Meerut in an exParte decree which is under challenge in Civil Appeal No.462/84. The application is therefore by the applicant for Payment for the period from 3.5.75 to 16.8.84 is still not clear and has already been treated and regularised as EOL. This application therefore does not lie.

6. The impugned order also shows that the G.P.F. balance and other dues are under process of being paid to the applicant. The applicant could not show whether the retirement dues are still pending. Thus, the application is vague in that respect. Further the claim of the applicant has not been preferred in time and there shall be question of limitation. The respondents have not filed any reply. The question of limitation is kept open.

7. In view of the above the application is disposed of as not maintainable in the Principal Bench with liberty to the applicant **to assail any surviving** grievance before the competent forum subject to law of limitation.

P.T. Thiruvengadam

(P.T. THIRUVENGADAM)
MEMBER (A)

J.P. Sharma

(J.P. SHARMA)
MEMBER (J)

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