

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL NEW DELHI

O.A. No. OA-1076/93
T.A. No.

199

DATE OF DECISION 26.8.1993

Shri K.L. Poullose

Petitioner

Shri Jose Chirmal,

Advocate for the Petitioner(s)**Versus**

Union of India

Respondent

Shri P.H. Ramchandani with

Advocate for the Respondent(s)

Shri J.C. Madan

CORAM

The Hon'ble Mr. J.P. Sharma, Member (Judl.)

The Hon'ble Mr. B.K. Singh, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

JUDGEMENT (Oral)

(by Hon'ble Mr. J.P. Sharma, Member)

The applicant in this case had sought voluntary retirement in 1980. Subsequently, he has desired for counting of his past military service as qualifying service for the purposes of pension because he has served for 17 years and 4 months with Respondent No.3, Flag Officer Commanding-in-Chief, Indian Navy, Eastern Naval Command, Visakhapatnam. The grievance of the applicant for counting of that earlier Army service, has not yet been satisfied in spite of his repeated efforts in that regard. Finally, the Office of C.D.A.,

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Allahabad, by its letter dated 8th April, 1988, wrote to the Eastern Naval Command that since the option which is to be exercised under Rule 19(1) of the CCS (Pension) Rules, 1972, has not been exercised within three months from the date of joining the new assignment under the Central Government, that cannot now be considered and is time-barred. However, it was open to the competent authority to waive the delay as in the present case. In response to this letter, the Naval Eastern Command, Visakhapatnam, wrote to the Chief of Naval Staff, Naval Headquarters, Delhi, in reply to which by the letter dated 7.8.1991, the Naval Headquarters, Delhi, made certain queries regarding the services of the applicant from the Eastern Naval Command, Visakhapatnam. This letter is dated 7th August, 1991. The applicant has also been informed by a letter dated 13.8.1992 by the Eastern Naval Command, Visakhapatnam, that certain clarifications had been called for and some delay is likely to take place in the matter. On receipt of any such response from the Naval Headquarters, he would be informed.

2. The application has been filed in the Principal Bench, C.A.T., for the reliefs of counting of the earlier military service of two years, 11 months, 7 days as a qualifying service for pension along with a direction to the respondents for granting his request for voluntary retirement w.e.f.

19.6.1980. He has also prayed for certain outstanding dues along with interest till the date of payment. A notice was issued to the respondents and the learned counsel for the respondents opposed the territorial jurisdiction of the Principal Bench on the ground that the case is not covered by Rule 6 of the C.A.T. (Procedure) Rules, 1987.

3. We have heard the learned counsel for the parties at length. The learned counsel for the applicant admitted that the applicant lives in Kerala State in Trichur District. The applicant being out of job, may choose forum of agitating his grievance at the place of his residence, who is not residing within the precincts of National Capital of Delhi, i.e., within the limits of the erstwhile Delhi Administration.

4. The learned counsel for the applicant argues that a part of the cause of action had arisen in Delhi because the Naval Headquarters at Delhi had sought certain clarifications from the Eastern Naval Command, Visakhapatnam, and he relied on sub-clause (2) of Rule 6 of the C.A.T. (Procedure) Rules, 1987.

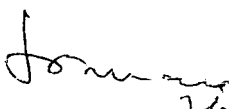
5. The learned counsel for the applicant has placed reliance on the authority of 1974, Mysore, page 39. The said authority, the High Court of Mysore, was expounding the definition of cause of action to the fact that it relates to a bundle of facts which a person has to establish

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in order to get a redressal of his grievance.

6. We have given careful consideration and are not inclined to accept that the final authority in the case is of the applicant in Naval Headquarters, Delhi. The applicant was appointed initially as a Storeman by the Supdt., Naval Dockyard, Bombay. For all purposes, he has been working under Respondent No.3, Flag Officer Commanding-in-Chief, Eastern Naval Command, Visakhapatnam and Material Supdt., Indian Navy, Eastern Naval Command, Visakhapatnam. The counting of the earlier military service shall only be available after the request of the applicant for voluntary retirement w.e.f. June, 1980 is accepted by the competent appointing authority. Thus, the territorial jurisdiction does not vest in the Principal Bench, Delhi. The application, therefore, is not maintainable and be returned to the applicant for presentation before a proper Court.


(B.K. Singh)
Member (A)


(J.P. Sharma) 26/8/94
Member (J)