

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.59 OF 2003

ALLAHABAD THIS THE 27TH DAY OF SEPTEMBER, 2004

HON'BLE MR. JUSTICE S. R. SINGH, VICE-CHAIRMAN  
HON'BLE MRS. ROLI SRIVASTAVA, MEMBER-A

Ex. MES-246068, B. Bhatt, Supervisor  
Barrack and Stores Grade I,  
resident of 375 Sadar Nagar,  
New Cantt, Allahabad.

..... .Applicant

( By Advocate Shri R. R. Shukla, Sri H. N. Shukla,  
Shri K.K. Mishra )

Versus

1. Union of India,  
through Secretary,  
Ministry of Defence,  
Government of India, New Delhi.
2. E&in-C's Branch, Army Headquarters,  
D.H.Q., P.O. New Delhi-11
3. Chief Engineer, Central Command,  
Lucknow.
4. Chief Engineer, Northern Zone,  
Lucknow.
5. Commander Works Engineer, Allahabad.

..... .Respondents

( By Advocate Shri P.O. Tripathi )

QPC

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HON'BLE MR. JUSTICE S. R. SINGH, VICE-CHAIRMAN

This O.A. has been instituted for grant of promotion to the post of Barrack and Store Supervisor Grade I w.e.f. 10.07.1995 instead of 16.07.1996 being barred by time. The applicant has moved an application for condonation of delay against which the respondents have filed objection. However, today, during the course of arguments, learned counsel for the applicant have stated that the prayer with regard to grant of promotion w.e.f. 10.07.1995 is not pressed and the O.A. in that regard be dismissed as not pressed. The relief according to learned counsel is not confined to payment of arrears of salary and post retirement benefits including Gratuity, Commutation, Leave encashment etc. by taking the applicant to have been promoted to the post of Barrack and Store Supervisor Grade I w.e.f. 16.07.1996. The applicant retired from service on superannuation on 31.07.1996 and the relief regarding correct fixation of pension and payment of gratuity etc being a <sup>recurring</sup> ~~preexisting~~ cause of action, we are not persuaded to dismiss the O.A., with regard to the said prayer, as time barred. Delay, if any, in filing of this application in respect of <sup>& the said relief</sup> ~~delay~~ is condoned. It is submitted by the applicant, that the pension of applicant has been fixed with reference to his pay in the cadre of Barrack and Store Supervisor Grade II whereas it ought to have been fixed with reference to the pay

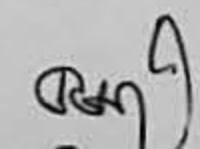
(P.S.)

scale admissible to Barrack and Store Supervisor  
Grade I.

2. Having regard to the facts and circumstances of the case, this D.A. is disposed of with a direction, that in case, ~~Leave~~ <sup>any of</sup> the post retiral benefits in respect of applicant has remained unsettled, the applicant may prefer a representation in that regard to the competent authority ~~and~~ <sup>who</sup> ~~decrees~~ shall consider and dispose of the representation by passing a reasoned and speaking order within a period of three months from the date of receipt of the representation alongwith a copy of this order.

3. Parties are directed to bear their own costs.

  
Member-A

  
Vice-Chairman

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