

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

NO
Pension

O.A. No./480/92

TXN NO:

DATE OF DECISION 07.12.1992

Shri Jayendra H.Rantarahi Petitioner

Shri I.M.Pandya Advocate for the Petitioner(s)

Versus

Union of India & others Respondent

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N.V.Krishnan : Vice Chairman

The Hon'ble Mr. R.C.Bhatt : Member (J)

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 ? ✓

....2....

Shri Jayendra Hiralal Raytarahi,
n9

Gitanjali, Rajiv Nagar,
Plot No.119, Porbandar

.....applicant

(Advocate : Shri I.M.Pandya)

versus

1. Union of India,

Notice to be served through
Major General,
Army Supply Corps (MT),
H.Q.Souther Command,
Pune-1.

2. Controller of Defence,

Accounts (Pension)
Allahabad.

3. The Commandant,

24 ASC Battalion
Camp at Ahmedabad.

.....respondents.

O R A L J U D G M E N T

O.A./480/92

Date : 07.12.92

Per : Hon'ble Mr.N.V.Krishnan
Vice Chairman

Shri I.M.Pandya for the applicant.

We have heard the learned counsel for
the applicant. His main grievance is against the
Annexure A/1 letter issued to him by respondent

(L)

....3....

by respondent no.3 on 19.11.1988. The letter was sent by respondent no.3 to the applicant informing him that no disability pension is admissible to him and that he had been so informed as early as in July 1981. Therefore, the applicant has prayed that the respondents be directed to release his pension.

2. We notice that apart from the delay in filing this application, which is obvious from the fact that the impugned Annexure A/1 letter is stated to be issued on 19.11.1988, it is also related to a stale claim. It is seen that the applicant was invalidated on 11.4.1981 and it was held on 11th July, 1981 by the second respondent that his disability was neither attributable to nor aggravated by military service. An appeal preferred against this decision was turned down by Governments' letter dated 8th September, 1983. He was however, given an opportunity to prefer a final appeal within six months from that letter but he did not prefer any such appeal. Hence, the order dated 08.9.1983 became final. We therefore, notice that this claim is absolutely stale being as old on July, 1981. Hence, we do not find it necessary to admit ~~the~~ ^{this} stale claim without any reason being assigned for not availing of the departmental appeal. Hence, the application is dismissed.

rcb
(R.C.Bhatt)

Member (J)

nvk
(N.V.Krishnan)
Vice Chairman

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