

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 142 of 1996

Wednesday, this the 2nd day of April, 1997

CORAM

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

1. P.S. Chandrasekharan,
Senior Engineering Assistant,
Television Relay Centre,
Ayyanthol, Trichur-3 .. Applicant

By Advocate Mr. K Shri Hari Rao

Versus

1. Union of India represented by
Secretary, Ministry of Information
& Broadcasting, New Delhi.
2. The Director General of Dooradarsan,
Mondy House, New Delhi.
3. Station Director,
All India Radio, Trichur.
4. Station Director,
All India Radio, Calicut.
5. The Station Director,
All India Radio, F.M. Kannur.
6. Pay & Accounts Officer,
Dooradarsan Kendra, Madras-5
7. Station Engineer,
Dooradarsan Maintenance Centre,
Trichur. .. Respondents

By Advocate Mr. MHJ David J, ACGSC

The application having been heard on 2-4-1997, the
Tribunal on the same day delivered the following:

O R D E R

The applicant was working as Senior Engineering
Assistant in Television Relay Centre, Trichur at the time
of the filing of this Original Application. It is
submitted that by this time he has retired from service.

contd...2.

The applicant before entering into the service under the respondents was working in the Army as a Sapper from 8-7-1960 to 30-6-1964. The grievance projected in this OA is that the respondents have not reckoned the Army service of the applicant as qualifying service for the purpose of pay fixation, pension fixation and for consequential benefits.

2. The reliefs claimed are:

- i) to declare that the applicant is entitled to get the benefit of his military service for the purpose of fixation of pay and pension; and
- ii) to direct the respondents to re-fix the applicant's pay and to grant consequential benefits to him counting the Army service.

3. According to the respondents, the military service of three years eleven months and twentyfour days from 8-7-1960 to 30-6-1964 has been reckoned as qualifying service as per R1 and the pay of the applicant at the time of his discharge from the Army service has been fixed at Rs.83/- as per the rules in force and the same is borne out by R2 and that the applicant was not willing to accept the pension sanctioned to him.

4. Learned counsel appearing for the applicant submitted that since the military service of 3 years 11 months and 24 days has been reckoned as qualifying service by the respondents as per R1 and fixation of his pay at the time of discharge from the Army service at Rs.83/- is in terms of Article 156 para 3(b) of Civil

contd..3.

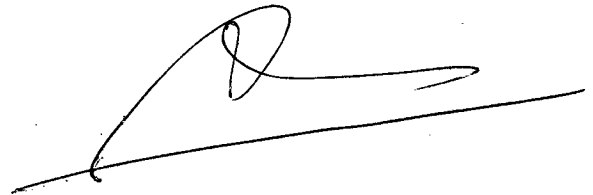


Services Regulations Vol.I, it cannot be disputed and is confining his relief only for a direction to the respondents to pay the pension fixed by the respondents to him without any delay.

5. Both sides are not in a position to say affirmatively whether the applicant has subsequently accepted the pension offered to him by the respondents. If it is not accepted already, the respondents shall take action to disburse the pension due to the applicant, since the applicant now accepts the pension fixed by the respondents, without any further delay and in any event not later than two months from today.

6. Original Application is disposed of as above.
No costs.

Dated the 2nd of April, 1997

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a horizontal line extending to the right.

A.M. SIVADAS
JUDICIAL MEMBER

List of Annexures:

1. Annexure R1: True copy of the Order No.DMC/TCR/7(4) 96-S (PSC) dated 26/3/1996 issued by the 7th respondent in the above O.A.
2. Annexure R2: True copy of the Order No.TRC-10(2)85-S/9403 dated 14/10/1985 issued by the 3rd respondent