

(5)

CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH  
NEW BOMBAY

O.A.799/89

Bhaskar Gajanan Kajrekar

Applicant.

Vs.

Administrator Dadra and Nagar

Haveli & 2 others.

Respondents.

Appearances:

~~None~~  
~~Mr. J.V. Deshmukh Advocate~~  
for the applicant.

Mr. V.S. Masurkar for the  
respondents.

Coram: Hon'ble Mr. M.Y. Priolkar, Member(A)

Hon'ble Mr. T.S. Oberoi, Member(J)

Dated: 10-8-1990

Judgement

(Per: Mr. M.Y. Priolkar, Member(A))

The applicant who retired as Deputy Superintendent of Police, Delhi Administration, on superannuation on 31-7-77, was initially appointed on 1-8-1954 as Police Chief of the Union Territory of Dadra and Nagar Haveli, after he had actively participated in the liberation of that territory which was then a Portuguese enclave. The applicant's grievance is that although, according to him, he has spotless record and several successful sensitive assignments in various parts of the country to his credit, he has been denied his rightful dues after retirement.

2. The specific benefits which the applicant alleges have been denied to him are -

- (i) Pension and part of gratuity
- (ii) Deputation allowance for service with Delhi Police.
- (iii) Leave encashment.
- (iv) Uniform Allowance during service with Delhi Police.

6

3. This application was filed in this Tribunal 18-10-1989 and was admitted on 20-11-1989 by keeping the point of limitation open. Although four dates were fixed thereafter for this case, namely, 11-1-1990, 26-2-1990, 5-4-1990 and 7-8-1990, neither the applicant nor his advocate was present on any of these dates nor was any communication received on their behalf explaining their absence. The applicant has also not filed any rejoinder to the affidavits in reply dated 9-3-1990 and 12-4-1990 filed on behalf of Respondent No. 2 and Respondents No. 1 and 3, respectively, though copies of ~~these~~<sup>se</sup> replies have been served on him. In the circumstances, we are delivering this judgement after considering the record and hearing the Additional Central Government Standing Counsel for Respondent No. 2 and the Advocate for Respondents Nos. 1 and 3, who were present on 7-8-1990.

4. The respondents have stated in their written replies that the applicant was not entitled to any pension under Rule 13 of the Central Civil Services (Pension) Rules 1972, since he had retired without confirmation or holding lien on any substantive post. From the copy of the proceedings of the Departmental Promotion Committee (D.P.C.) meeting held on 4-7-1981, attached to the reply of Respondents 1 and 3, it is clear that DPC did not recommend his confirmation because in two departmental enquiries instituted against him, serious charges of misusing official position and acquiring disproportionate assets had been proved and penalties imposed on the applicant. This recommendation of DPC was approved by the Administration of the Union Territory of Dadra and Nagar Haveli. No doubt, the condition of permanency in service for the grant of pension was dispensed with subject to certain conditions under Government of India's orders dated 30.12.1980 but only with prospective effect. The applicant having retired much earlier on 31-7-1977

(7)

was thus not entitled to the benefit of those orders.

5. The applicant's claims for the grant of refused leave for the purposes of leave encashment, uniform allowance as also for deputation allowance were rejected as not covered under the Rules on the subject by Delhi Administration's letter dated 12-10-1977, 14-9-1977 and 6-3-1975, respectively (Annexures R 5, R 7 and R 8).

Regarding non-payment of part of gratuity due, the respondents have explained that the penalties of Rs.3000 and Rs.1000 were imposed on him in two departmental enquiries and these were recovered from the total amount of terminal gratuity payable, the balance being paid in full (Annexure R 4).

6. In view of the above, we do not find any substance in the applicant's allegations that he has been denied his rightful dues.

7. The respondents have also submitted that this application is hopelessly barred by time and cannot be entertained under Section 21 of the Administrative Tribunals Act. We find considerable force in this submission. The applicant had retired on 31-7-1977. He represented for the first time on 10-8-1988 against non-payment of his dues in a letter addressed to the Minister of State, Department of Personnel. He received a reply dated 12-5-1989 from the Delhi Administration that no retirement benefit was pending in his case in the Police Department. This representation and the reply thereto do not have the effect of extending the limitation period stipulated in Section 21 of the Administrative Tribunals Act, 1985. On this ground alone, this application is liable to be dismissed.

8. The application is, accordingly, dismissed as devoid of any merit as well as barred by limitation. There shall be no order as to costs.

*10-8-50*  
(T.S.Oberoi)  
Member(J)

*W.S. 80*  
(M.Y.Priolkar)  
Member(A)