

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH.

ORIGINAL APPLICATION NO.: 425 OF 1996.

Date of Decision : 03.11.1998.

Ramesh Laxman Dhasal, Petitioner.

Shri D. V. Gangal, Advocate for the
Petitioner.

VERSUS

Union Of India & 2 Others, Respondents.

Shri K. D. Kelkar, Advocate for the
Respondents.

CORAM :

Hon'ble Shri Justice R. G. Vaidyanatha,
Vice-Chairman.

Hon'ble Shri D. S. Baweja, Member (A).

- (i) To be referred to the Reporter or not ?
- (ii) Whether it needs to be circulated to other Benches of the Tribunal ?


(R. G. VAIDYANATHA)
VICE-CHAIRMAN.

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CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO.: 425 OF 1996.

Dated this Tuesday, the 3rd day of November, 1998.

CORAM : Hon'ble Shri Justice R. G. Vaidyanatha,
Vice-Chairman.

Hon'ble Shri D. S. Baweja, Member (A).

Shri Ramesh Laxman Dhasal,
Ex-Notice Server,
O/o. the Assistant Commissioner
of Income-Tax,
Circle -1(2), (Admn.),
Ahmednagar.

Residing at -
Camp Caularu,
Sarjapura, 776, Ahmednagar.

(By Advocate Shri D. V. Gangal)

... Applicant

VERSUS

1. The Union Of India through
The Secretary,
Ministry of Finance,
Department of Revenue,
New Delhi.
2. The Additional Commissioner
of Income-Tax, Range-3,
Aurangabad.
3. The Asstt. Commissioner of
Income-Tax, Circle-1(2), (Admn.),
Ahmednagar.

(By Advocate Shri K. D. Kelkar).

... Respondents.

: OPEN COURT ORDER :

! Per.: Shri R. G. Vaidyanatha, Vice-Chairman !

In this O.A. the applicant is claiming that
the period from 08.10.1984 to 05.12.1986 should be
treated as duty for all purposes and for consequential
reliefs by grant of increments, pay, allowances, etc.




...2

Today, the Respondents' Counsel has placed on record an order of the department dated 05.12.1996.

Admittedly, the applicant was on medical leave during the period in question. It was leave sanctioned as without pay and allowances but since medical leave is granted with pay, the question is, whether the applicant is entitled to earn increments notionally during that period, which will have an effect on his pension. Now the department has considered ~~this~~ claim of the applicant by an order dated 05.12.1996 for the purpose of giving notional increment during the period of medical leave. Therefore, the order of the Government substantially complies with the demand of the applicant. However, the applicant will not get any benefit in the amount of pension, since the pension as per rules will come to only Rs. 260.81 even after increase of salary due to earning of increments and the applicant has already been fixed at the minimum pension of Rs. 375.00 which is higher than the pension to which the applicant is entitled to.

2. In view of the order dated 05.10.1996 which is now taken on record, the application does not survive and is accordingly disposed of. No order as to costs.


(D.S. BAWEJA)
MEMBER (A)


(R.G. VAIDYANATHA)
VICE-CHAIRMAN.