

CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI

ORIGINAL APPLICATION No. 827/96 /199

Date of Decision: 3-7-97

Narayan Punja Borade

Petitioner/s

Mr. S. S. Karkera

Advocate for the
Petitioner/s

V/s.

U.O I. & Ors

Respondent/s

Mr. R. K. Shetty,

Advocate for the
Respondent/s

CORAM:

Hon'ble Shri M.R. Kolhatkar, Member(A)

Hon'ble Shri

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

M.R. Kolhatkar

(M.R. KOLHATKAR)
M(A)

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

O.A.827/96

THURSDAY, this the 3rd day of JULY, 1997

CORAM:

HONIEBLE SHRI M.R.KOLHATKAR, MEMBER(A)

Narayan Punja Borade,
Kadam Mala, Jai Bhavani Road,
Nasik Road.

By Advocate Shri S.S.Karkera .. Applicant

-versus-

1. Union of India
through
The Secretary,
Ministry of Defence, AIR
Headquarters,
New Delhi - 110 032.
2. The Air Vice Marshal,
Air Force Group Insurance
Society, Air Head quarters,
New Delhi - 110 032.
3. The Controller of Defence
Accounts, Ministry of
Defence, Draupati Ghat,
Allahabad - 211 014.
4. The Wing Commander,
Commanding Officer,
2205, Sqn.AE C/o.56 APO
Baroda

By Advocate Shri R.K.Shetty .. Respondents

The application having been heard on 3rd July, 1997
the Tribunal on the same day delivered the following:

O R D E R

(Per M.R.Kolhatkar, Member(A))

In this OA the applicant has sought the
relief of directing respondents to grant pension
w.e.f.1-7-85. The contention of the applicant is that
he has put in 15 years 3 days of service under Air Force
and prior to that 4 years 229 days as Dhobi, civilian
employee, thus in all 19 years one month and 232 days
service and that denial of pension is illegal in view
of the provisions of CCS Pension Rules, which according
to him envisage grant of pension by relaxing shortfall

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in service which is only marginal. He has further referred to letter at page 22 dt. 22-12-95 from 2205 Squadron Air Force and further action was required to be taken by Air Force Record Office, New Delhi which has not been taken.

2. Respondents have filed their written statement. They have raised a preliminary objection that this Tribunal in view of provisions of Section 2(a) of A.T. Act, 1985 read with provisions, instructions and regulations of Air Force Act, 1950 has no jurisdiction to grant relief in this case inasmuch as the applicant being a non-combatant enrollee under Air Force Act is governed by the said Act and instructions and regulations therein.

3. I have considered the documents produced before me including Air Force instruction 1480 which states as below :

The terms of entry and conditions of service for persons to be enrolled as non-combatants under the Air Force Act 1950 for the undermentioned employments are given in the succeeding paragraphs:

Dhobi is one of the categories.

Regulation 145 states that minimum qualifying service for earning a service pension is 20 years. The contention of course is that even assuming that the Tribunal has jurisdiction to entertain the application rules do not provide for grant of pension to a non-combatant enrollee who has completed less than 20 years.

3. Considering the material laid before me I hold that this Tribunal has no jurisdiction to

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grant relief to the present applicant. O.A is therefore disposed of for want of jurisdiction. However, the applicant is at liberty to approach appropriate forum.

M.R.Kolhatkar

(M.R.KOLHATKAR)
Member(A)

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