

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.105/1999

Dated this Wednesday, the 14th Day of March, 2001.

Shri G.N. Nagulpillay ..... Applicant

(Applicant by Shri J.M. Tanpure, Advocate)

Versus

1. Union of India & Ors. ..... Respondents

(Respondents by Shri R.R.Shetty for Shri R.K.Shetty, Advocate)

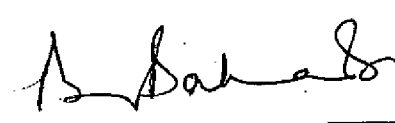
CORAM

Hon'ble Shri B.N.Bahadur, Member (A),

(1) To be referred to the Reporter or not?

(2) Whether it needs to be circulated to  
other Benches of the Tribunal?

(3) Library.

  
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(B.N.Bahadur)  
Member (A)

sj\*

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI.

Original Application No.105/1999

Dated this, Wednesday , the 14th Day of March, 2001.

Coram: Hon'ble Shri B.N. Bahadur, Member (A)

Shri Ganpat Narayan Nagulpillay,  
Ex.Supervisor B/S Gde.I,  
MES No. 157269, of Garrison Engineer  
(A/F), Naliya Kutch,  
Gujarath, Pin 370 655,  
now R/at: 21, Panchwati Colony,  
Talegaon Dabhade,  
Taluka Maval, Dist. Pune.  
(Maharashtra)

..... Applicant.

(Applicant by Shri J.M. Tanpure, Advocate)

vs.

1. Union of India, through  
the Secretary, Ministry of  
Defence, South Block  
New Delhi 110 001.
2. The Garrison Engineer (A/F)  
Naliya Kutch, State-Gujarat  
370 655.
3. The Chief Engineer,  
Head Quarters, Southern Command,  
Pune- 411001.

..... Respondents.

(Respondents by Shri R.R.Shetty, for Shri R.K.Shetty, Advocate)

O R D E R (ORAL)

[Per: B.N.Bahadur, Member (A)]

The Applicant in this case Shri G.N. Negulpillay comes  
up to the Tribunal seeking the relief as follows:

- a) For the declaration that the Applicant has  
been voluntarily retired w.e.f. 24.02.1998.
- b) For the direction to the Respondent to  
process the claim of the Applicant for pension to  
C.D.A. (Pensions), Allahabad.

...2/-



c) For the direction to the Respondents to pay all the terminal benefits to the Applicant with 18% interest on all the amounts of Terminal Benefits.

d) For the direction to the Respondents to pay 18% interest on the arrears of pension.

e) Maximum costs be awarded to the Applicant.

f) Any other just/equitable order be passed.

2. The case made out by him is that he joined MES on 9.8.1977. He was working in Pune, when he was transferred to Naliya vide order dated 23.7.1996 (Annexure R.I). He joined the post at Naliya on 7.8.1996. The Applicant further states that the place did not suit him. He took 10 days leave w.e.f. 12.8.1996. Since his medical condition was not good, and he was suffering from allergic bronchitis and peptic disease attributable to climate and water, he continued on his medical leave. Thereafter, the Applicant describes how he was asked to appear before the Chief Medical Officer, which he did. Going by the facts placed on record by both sides, as also brought out before me today, in argument, (Applicant is present in person and was allowed to intervene on facts whenever necessary). It is seen that the period of absence of the Applicant has admittedly been regularised w.e.f. 12.8.1996 to 15.5.2000. This is admitted to be correct by both sides. Now it is also stated that on 15.5.2000, Applicant joined his duties in the As under Office of Respondent No.2 and from where he was proceeded on leave again subsequently.

3. I have heard learned Counsels on both sides. The point on which the relief sought is that it should be held that Applicant has been voluntarily retired w.e.f. 24.2.1998.

...3/-

As

Consequential reliefs are also sought. Given the facts and circumstances and the background of the case, it is clear that this kind of relief cannot be provided. The reasons follow: The Applicant on the one hand has hardly worked at Naliya, be it on justifiable or unjustifiable reasons of health. For the periods regularised by Govt. itself subsequently the matter is clearly decided and closed. Importantly also, the Applicant has joined duties again on 15.5.2000. The short conclusion that can be reached is that the relief sought for treating him voluntarily retired from a date as early as 24.2.1998; cannot be provided, when he has already joined again on 15.5.2000 and periods of service already treated as leave as per orders issued. Since this relief cannot be granted, and it is the only relief sought, I am not in a position to allow this O.A. Well as he may have other grievances he is free to either pursue with the Administration or to come up before this Tribunal in case allowed as per law.

4. Before parting with this case, I would like to observe that the matter is unnecessarily dragging between what is clearly an unwilling officer and the Govt. His requests should now be settled within the four corners of law. I hope both sides will come to a settlement both in the best interests of Administration and the Applicant, within the rules.

5. With the above observations, this O.A. is hereby dismissed. There will be no orders as to costs.

B.N. Bahadur  
(B.N. Bahadur)  
Member (A)

sj\*