

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.360/2000.

Thursday, this the 15th day of February, 2001.

Coram: Hon'ble Shri S.K.I.Naqvi, Member (J).

Gopal Khedkar,
Engineer 'SB' (Mech),
Tata Memorial Hospital,
Tata Memorial Centre,
Dr. Ernest Borges Road,
Parel,
Mumbai - 400 012.
(By Advocate Shri C.B.Kale)

... Applicant.

Vs.

1. Union of India through
the Chief Engineer,
Southern Command,
Pune - 411 001.
2. M/s. Garrison Engineers,
Naval Armament Depot,
Karanja, Distt. Raigad,
PIN - 400 704.
3. The Director,
Tata Memorial Centre,
Dr. Ernest Borges Road,
Parel,
Mumbai - 400 012.
(By Advocate Shri R.R.Shetty for
Shri R.K.Shetty.)

... Respondents.

: O R D E R (ORAL) :

{Per Shri S.K.I.Naqvi, Member (J) }

The Applicant Shri Gopal Khedkar has come up seeking the following relief:

"(a)

Respondents to discharge pension liability and to count the past service even though it is less than 10 years, and in the capacity of QPT, towards his pensionary benefits, as the applicant is entitled therefor as per rules;

(b) To direct the Respondents to grant the Applicant all consequential benefits;

...2.

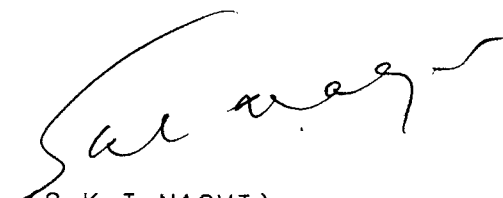
(c) To grant cost of this application;

(d) To order the Respondents to produce the original records; pertaining to this case, which are in their possession and power;

(e) The Applicant be permitted to amend, add, alter or modify his application if found necessary."

2. In support of his contention, the applicant has relied on CCS (Pension) Rules under section 5 on the subject of transfer of Central Government servant to Central Autonomous Bodys. He has also relied on 1994 (2) ATJ page 461 R.R.Singh Vs. Chief CDA (P) Allahabad (U.P.) & Ors. decided on 26.4.1994 in OA No. 1908/93 by the Principal Bench, New Delhi. The main contention of the applicant is that the Respondents be directed to discharge pension liability and to count past service which is less than 10 years and in the capacity of quasi permanent towards pensionary benefits. During the course of argument, the learned counsel for applicant pressed that Respondents No.1 and 2 are liable to make pro-rata payment of pension for the period the applicant served there and Respondent No.3 are liable to count that service for the purpose of Pensionary benefits. I find the relief clause is not properly framed and becomes confusing on the point that as to what relief is directed to which of the Respondents.

3. The OA is dismissed for bearing vague relief clause. However, liberty is allowed to the applicant to bring fresh OA for the same cause of action, if so advised, within a period of one month from today. No costs.


(S.K.I. NAQVI)
MEMBER(J)

B.