

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO: 396/2000

DATE OF DECISION: 26/04/2001

Shri V.D.Kulkarni

Shri S.Natarajan

----- Advocate for
Applicant.

Versus

Union of India & 4 Ors.

----- Respondents.

Shri R.K.Shetty

----- Respondents.

Coram:

Hon'ble Smt. Shanta Shastry, Member (A).

1. To be referred to the Reporter or not? |
2. Whether it needs to be circulated to other Benches of the Tribunal? | x
3. Library. ✓

Shanta F
(SHANTA SHASTRY)
MEMBER (A)

abp

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO:396/2000
DATED THE 20th DAY OF APRIL 2001
26th

CORAM: HON'BLE SMT.SHANTA SHASTRY, MEMBER(A)

V.D.Kulkarni,
(Retd. Inspector, Central Excise, Pune)
residing at:
Plot No.13, Survey No.67/1-B,
Vidhya Nagar, Pune 411 032.

... Applicant

By Advocate Shri S.Natarajan

V/s.

1. Union of India through the Secretary,
Department of Pension & Pensioners Welfare,
Lok Nayak Bhavan,
New Delhi
2. The Secretary,
Ministry Of Finance,
Department of Revenue,
GOI, North Block,
New Delhi - 110 001.
3. Chief Commissioner of Central Excise,
Pune-I Commissionerate,
41-A, Ice House, Wadia College,
Sassoon Road, Pune 411 001.
4. Pr.Chief Controller of Accounts,
Central Board of Excise & Customs,
AGCR Building, 1st Floor, I.P.Estate,
New Delhi - 110 002.

5. Secretary,
Ministry of Defence,
GOI, New Delhi - 110 001.

... Respondents

By Advocate Shri R.K.Shetty

...2.

:2:
(ORAL) (ORDER)

Per Smt. Shanta Shastry, Member(A)

The applicant in this OA has challenged the order dated 19/4/99 regarding revision of his Pension ^{being} erroneous. By this order, the applicant's pension was reduced. [^] The learned counsel for the applicant submits that the Government of India, in the Ministry of Personnel and Public Grievances have now issued a letter dated 11/4/2001 wherein it is stated that the matter has been re-considered in consultation with the Ministry of Defence, and it has been decided that Rule 18 and 19 shall apply respectively to Civil military re-employed pensioners. In case of re-employment, military pensioner in Civilian service, the pensionary benefit for second spell of service shall not be subject to any limitation as per provisions of Rule 18(3) of CCS (Pension) Rules 1972. The applicant's ^{case} is fully covered by this circular.

2. The learned counsel for the respondents however submits that he is not aware of this order and would like to verify and seek instructions from the respondents in the matter.

3. The OM dated 11/4/2001 produced by the applicant is very clear on the subject. The same is taken on record and in the light of the clarification issued, in this OD, the applicant's prayer at para - 8 of the OA is allowed subject to the confirmation of the OM dated 11/4/2001 being applicable in the case of applicant. If thereafter any grievance remains, the applicant is at liberty to approach the Tribunal as per rules. Accordingly, the OA is disposed of. I do not order any costs.

...3.

:3:

4. Shri R.K.Shetty^{is} shown as advocate ^{for} ~~that~~ Respondent No.5 submits that there is no relief sought against Respondent No.5, he is not making appearance in the matter. He has also produced the letter dated 28/11/2000 from the Department of Pension and Pensioners Welfare that the Ministry that the Ministry has authorised Ministry of Finance to defend the case on behalf of Government of India. Same is taken on record *and accepted.*

Shanta S
(SHANTA SHASTRY)
MEMBER(A)

abp.