

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

O.A.No.512/2001.

Dated this Thursday the 30th Day of May, 2002.

Hon'ble Shri Justice Birendra Dikshit, Vice Chairman
Hon'ble Smt.Shanta Shastry, Member (Administrative).

V.P. Bhade,
resident of D-4,
Shantidham-kunj Coop.Hsg.Socy.,
S.No.139/A-1, Kothrud,
Pune-411029.

.. Applicant.

(By Advocate Shri S.P. Saxena).

Versus

1. C.D.A.(Officers)
Golibar Maidan,
Pune - 1.
2. C.G.D.A., West Block-V,
Ramkrishna Puram,
New Delhi - 110 066.
3. Union of India,
through the Secretary,
Ministry of Defence (Finance),
New Delhi - 110 011.

.. Respondents.

(By Advocate Shri R.R. Shetty).

ORDER (Oral)
{ Per : Smt.Shanta Shastry, Member (A) }

The applicant has moved this O.A. being aggrieved by the decision of the Respondent Nos.1 and 2 in rejecting his option dated 13.6.2000 treating it as having been exercised belatedly. He has, therefore, prayed for setting aside the same.

2. According to the Government of India's O.M. dated 30.7.1999 of the Ministry of Finance, Department of

...2..

Expenditure, Government servants who wished to have their revised scale from a date subsequent to 1.1.1996 could exercise option indicating the date from which they desired to get their pay fixed. This option was required to be exercised within six months, however the applicant could exercise his option only on 13.6.2000.

3. The applicant submits that he did not know about the O.M. dated 30.7.1999. According to the applicant, no noting had been obtained by the Respondent No.1 from the applicant about having received the circular dated 8.10.1999 regarding exercising the option, and, therefore, it not being within the knowledge of the applicant, he had given his option belatedly, as soon as he came to know about the same.

4. The respondents however, have filed their reply and have stated that the applicant was fully aware of the O.M. dated 30.7.1999 but had failed to exercise his option during the stipulated period. It has also been stated in the reply that an identical O.A. was filed in this Tribunal which was decided on 8.6.2001 wherein the O.A. was rejected. A copy of the same has been enclosed by the respondents as Exhibit-3 to their reply. Respondents have, therefore, prayed for dismissal of the O.A.

...3..

5. We have heard the learned counsel for both the sides and have also perused the judgment in O.A.389/2001 decided on 8.6.2001. We note that except for the dates the facts in the present O.A. are similar to the facts in O.A.No.389/2001. The applicant's case is thus fully covered by the judgement in O.A.389/2001. We are not persuaded to ^hdefer from the aforesaid judgment. Accordingly the O.A. being devoid of merit is dismissed. No costs.

Shanta

(Smt.Shanta Shastri)
Member (A)

Birendra

(Birendra Dikshit)
Vice Chairman.

H.

df 30/5/20
Order/Judgment Copy to
to Applicant/Respondent (s)
24/6/20

W