

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

CAUSE TITLE O. A. 393 of 1990 (C)

Name of the parties

Capt. R. A. S. Yack V. (Retd.) Applicant.

Versus.

Union of India Respondents.

Part A.B.C.

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2.	Order sheet	A3 - A4 ✓
3.	Judgment dt: 8-11-91	A5 ✓
4.	Petition	A6 - A18 ✓
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6.	Annexures	A21 - A27 ✓
7.	1 - Notice / order copy Jud. Pothoo Copy Power A28 to A33	

Bench copy B1 - B20C copy C1 - C6

R/C weeded out / destroyed

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CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Central Administrative Tribunal
Circuit Bench, Lucknow
Date of Filing 4/12/90
Date of Receipt by Post 4/12/90
Deputy Registrar (I)
4/12

Registration No. 393 of 1989/90(L)

APPLICANT(S) 55. 29220 M. Capt. R.A.S. Yadav Retd.
RESPONDENT(S) V.O. Ist (Defence)

Particulars to be examined

Endorsement as to result of examination

1. Is the appeal competent? *application* *yes*
2. a) Is the application in the prescribed form? *yes*
b) Is the application in paper book form? *yes*
c) Have six complete sets of the application been filed? *application* *yes*
3. a) Is the appeal in time? *yes*
b) If not, by how many days it is beyond time? *case* *yes*
c) Has sufficient case for not making the application in time, been filed? *yes*
4. Has the document of authorisation/ Vakalatnama been filed? *yes*
5. Is the application accompanied by B.D./Postal Order for Rs. 50/- *yes*
6. Has the certified copy/copies of the order(s) against which the application is made been filed? *yes*
7. a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed? *yes*
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly? *yes*
c) Are the documents referred to in (a) above neatly typed in double space? *yes*
8. Has the index of documents been filed and paging done properly? *yes*
9. Have the chronological details of representation made and the outcome of such representation been indicated in the application? *yes*
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal? *no*

AR

Particulars to be Examined

Endorsement as to result of examination

- | | |
|--|-----------|
| 1. Are the application/duplicate copy/spare copies signed? | yes |
| 2. Are extra copies of the application with Annexures filed? | yes |
| a) Identical with the Original? | yes |
| b) Defective? | yes |
| 3. Wanting in Annexures Nos. _____ pages Nos _____? | |
| 4. Have the file size envelopes bearing full addresses of the respondents been filed? | yes |
| 14. Are the given address the registered address? | yes |
| 15. Do the names of the parties stated in the copies tally with those indicated in the application? | yes |
| 16. Are the translations certified to be true or supported by an Affidavit affirming that they are true? | yes |
| 17. Are the facts of the case mentioned in item no. 6 of the application? | N.A. |
| a) Concise? | yes No. y |
| b) Under distinct heads? | yes |
| c) Numbered consecutively? | yes |
| d) Typed in double space on one side of the paper? | yes |
| 18. Have the particulars for interim order prayed for indicated with reasons? | No |
| 19. Whether all the remedies have been exhausted. | yes |

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4.12.90
D. R.

Put up before the Hon. Bench,
on 14.12.90 for orders.
211 E
4/12/90

ssul
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393/90

(1)

(A3)

(1)

14.12.90

Hon. Mr. Justice K. Nath. VC
Hon. Mr. K. Chayya. AM.

On the request of counsel for
applicant case is adjourned to
11.1.91 for admission.

AM

VC

(2)

11.1.91

No sitting Adj. to 22.1.91.

(3)

28.1.91

No sitting Adj. to 7.2.91
J

(4)

7.2.91

Hon. Mr. Justice K. Nath. VC
Hon. Mr. K. Chayya. AM

On the request of counsel for
applicant case is adjourned
to 12.3.91 for admission.

AM

VC

(5)

12.3.91

No sitting adj. to 5.4.91

(6)

5.4.91

J. Hon. Mr. Justice K. Nath. VC
Hon. Mr. A.B. Gonthi. AM

On the request of applicant's counsel
case is adjourned to 30.4.91 for
admission.

AM

VC

(11)

AM

04293/90

2-7-91 Hon Mr Justice V.C. Srinivasan, re

Issue notice to show cause
as to why the petitioner & not
admitted. heard for admission/
hearing on 30-8-91

(12)

30-8-91 Hon Mr D.K. Agrawal J.M.

The applicant is aggrieved
in regard to his settlement dues
as an Army Officer. Therefore,
the preliminary question is
whether this Tribunal has
jurisdiction over the subject
matter. The applicant is
counsel is not present.
Therefore, it is considered
proper to provide him an
opportunity to seek assistance
of his counsel for satisfying
us how the Tribunal can
exercise jurisdiction
over the subject matter
contained in this claim
petition. Shri A.K. Chatterjee,
Addl. Standing Counsel
for the Tribunal may be
given notice by the office
to assist us in the disposal
of the matter.

heard for admission/
hearing on 23-9-91

VC

02
नोटिस 2 अंशों में
देने का कार्य OP No 5-26
कोर्ट में निश्चित होना चाहिए
नोटिस गैसस
25/7/91

OR
LC for the applicant
has not filed complete
sets, hence notice
could not be issued
to OP No 5-26.

Notices were issued
on 25-7-91 to OP
No 1 to 4.

Neither reply
nor any response sent
over has been return
back.

S.P.A.

29/9

Shri K. Venkatesh
2/9/91

(13)

23-9-91

NO Standing order 30.10.91

Dep
J.M.

02
नोटिस गैसस C/R.
A.K. Chatterjee
29/9/91

OR
Shri A.K. Chatterjee has
written on behalf of reply.
S.P.A.

2/10/91

(PS)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
CIRCUIT BENCH : LUCKNOW.

Registration O.A.No.393 of 1990(L)

Capt. RAS Yadav (Retd.)	Applicant
	Vs.	
Union of India & Others	Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. A.E. Gorthi, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant who approached this Tribunal regarding inordinate delay in settling the computation of pension despite several reminders to the opposite parties. The preliminary objection is whether the Tribunal has jurisdiction over the subject matter. As the claim of the applicant ^{b 2} ~~did not~~ covered under Section 14 & 19 of the Administrative Tribunals Act, it is dismissed.

*Recd
O.P. Singh
clerk K. Choudhary
Adm. Secy
19/11/91*

[Signature]
Member (A)

[Signature]
Vice-Chairman.

8th Nov. 1991, Lucknow.

(sph)

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IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

O.A. NO. 393 OF 1990 (L)

SS-29220-M Capt RAS Yadav(Rtd.) ... Applicant

-versus

Union of India and others

... Opposite parties

I N D E X.

Sl. Description of documents relied page no.
No. upon.

1. Application 1 to 12

2. Power

SEPARATE.

3. Annexure no.A -1 Copy of CDA(P) Allahabad letter No.G.1/M/49011 dtd. 28.4.1986
4. Annexure no.A-2 Copy of CDA(P) Allahabad letter No.G.1/M/49011 dtd. 4.4.1989.
5. Annexure no.A-3 Copy of letter No.HQ UP Area Bareilly letter No.294012/M-5(A) dt.22.4.1989.
6. Annexure no.A4 - Copy of letter No.BH/298/Stats/MDS dt.2.5.1989.
7. Annexure no.A-5 - Copy of letter No.BH/298/Stats/MDS dt. 4.7.89.
8. Annexure no.A-6 - Copy of HQ UP Area letter No.294012/M-5A dt.19.3.90
9. Annexure no A-7 - Copy of HQ. UP Area letter No.294012/E-5A dt.28.6.90

S. Narain
Advocate.

Lucknow,

Dated:

For the use in Tribunal office

Date of filing

Registration No.

Signature
for Registrar.

Applicant
Through Counsel
(S. Narain)
(Advocate)
Counsel for the applicant.

General Administrative Tribunal

Circuit Bench, Lucknow

Date of Filing 4/12/90

Date of Receipt by Post

7/1

Deputy Registrar (I)

SSW
4/12

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

Original Application No. 393 of 1990 (L,

(APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNAL ACT, 1985)

SS 29220 M-

Capt R.A.S. Yadav

Aged about 35 years

Son of Late Shri Madhav Singh Yadav

D-3 Ikshipuri Colony

Jail Road, Post office Dilkusha,

District - Lucknow.

.. Applicant

-versus-

1. Union of India, through the Secretary
Ministry of Defence, New Delhi.
2. Controller General of Defence Accounts
NEW DELHI-110011.
3. Controller of Defence Accounts (Pensions)
Allahabad.
4. Army Headquarters Personnel Services Dte.
AG's Branch, DHD Post Office,
NEW DELHI-110011.
5. General Officer Commanding,
HQrs. U.P. Area, Bareilly.
6. Officer incharge Commanding,
Base Hospital
Lucknow Cantonment.

... Opposite Parties.

DETAILS OF APPLICATION.

1. Particulars of the order against which application
is made.

This application is against the inordinate
delay in settling the commutation of pension despite
several reminders to the opposite parties.

Filed today
SSW
4/12/90

SSW
Adm

2. Jurisdiction of the Tribunal.

The applicant declares that the subject matter of the ~~matter~~ application against which he wants redressal is within the jurisdiction of the Tribunal.

3. Limitation.

The applicant further declares that the application is within the limitation period prescribed in Section 31 of the Administrative Tribunals Act, 1985. The applicant has a continuant cause of action.

4. Facts of the case.

The facts of the case are given below:-

4.1 The applicant is an Ex-short service commissioner officer who after having served the Indian Armed Forces for 6-1/2 years, was invalidated out of service on medical grounds in 1984. It was an arbitrary and illegal action on the part of Base Hospital, Lucknow because he was sent to the Base Hospital for holding a fresh medical board for grant of permanent commission but instead he was boarded out of the service even by-passing the orders of Army Headquarters. ~~xxxxxxx~~
This was a step-motherly treatment to a short service commissioned officer.

4.2. That the applicant was granted initially a

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disability pension consisting of service element as well as disability element for a period of 3 years with effect from 16.11.1984 to 11.9.87 vide pension payment order No.2885/89 which was subsequently converted for life.

4.3 That the applicant applied for commutation of a portion of his pension way back in 1985 through Army Headquarters vide their letter No.B/39/29/R/AG/PS4 (b) dated 26.12.1985 but the Opposite party no.3 vide his letter No.G-1/M/49011 dated 28.4.1986 refused to grant his commutation of portion of his pension. A copy of the CDA(P) Allahabad letter dated 28.4.1986 is being filed herewith as Annexure A-1 to this application.

4.4. That the applicant again applied for commutation of pension in the month of April 1989 on which the opposite party no.3 wrote to opposite party no.5 to arrange a commutation medical board at the earliest vide their letter No.G-1/M/49011 dated 4.4.1989.

A copy of the said letter is being enclosed herewith as Annexure no.A-2 to this application.

4.5 That the Opposite party no.5 directed to Opposite party no.6 vide their letter No.294012/M-5(A) dated 22.4.1989 to arrange the said Board and forwarded all the relevant papers to them. A copy of the said letter

[Handwritten signature]

[Handwritten signature: Shri Narain]
[Handwritten initials: AEW]

is being filed herewith as Annexure no.A-3 to this application.

4.6 That the opposite party no.6 refused to hold the medical board and returned all the papers to opposite party no.5 vide letter No.BH/298/Stats/MDB dated 2.5.1989 and 4.7.1989. Copies of the above letters are being filed herewith as Annexures nos. 4 & 5 respectively to this application.

4.7 That again the applicant approached the opposite party no.3 and explained the situation to them and OP No.3 again forwarded relevant papers and requested Opposite party no.5 to expedite the matter who subsequently instructed the Opposite party no.6 vide letter No.294012/M-5A dated 19.3.1990 to do the needful. The opposite party again vide his reminder letter of even No. dated 28.6.1990 requested to Opposite party no.6 to expedite the matter. Copies of aforesaid letters dated 19.3.90 and 28.6.90 are being filed herewith as Annexures nos. 6 & 7 respectively to this application.

4.8 That instead of issuing a call up notice for commutation medical board the

Registrar Base Hospital, the opposite party no.6

[Signature]
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issued a letter without any basis and over-riding the instructions of his higher authorities, arbitrarily asking me to report to opposite party no.6 for Resurvey Medical Board, and as such the opposite party no.6 is deliberately delaying the constitution of medical Board for settling the commutation pension.

4.9 That the applicant again contacted personally the opposite party no.6 and ^{how he} objected to the authority of opposite party no.5 for settling his medical board for commutation pension and not for Resurvey Medical Board. The opposite party no.6 was convinced the matter after personal discussion by the applicant and he advised to the applicant to report him after a few days for medical Board. Since then the applicant have been running from pillar to the post but to no avail, and as such the opposite party no.6 is deliberately and illegally holding up the medical Board. In the absence of medical board, the commutation of pension of the applicant is considerably delayed.

4.10 That the most important point is that the commutation is allowed on service element of the disability pension. With every Board whether in-

Back

S. Narayan
Adv.

validment or resurvey a form is completed by the Medical Board authority recommending the commutation on the basis of which the opposite party no.3 grants the same. With the falling of every year of an individuals age the corresponding rupee value decreases which adversely affects the calculation of commuted value of pension.

4.11 That in the instant case the commutation papers were already sent by the Medical Board in 1984 as such the applicant should have been granted the commutation at that time itself ie. in the year 1984. Now six years have elapsed the applicant is suffering financial hardship and settlement of his rest of his life. If the said lumpsum amount of commuted value received by the applicant in 1984, on investment of the same, this amount could have been doubled by this time and the applicant is suffering a great loss in this way due to the utter negligence on the part of Opposite party no.6 in particular.

4.12 That the opposite party no.3 did not agree to do so before the pension was granted for life it would have done so after the pension was granted for life ie. in 1988. The rates of pension were revised in 1986 hence he should be granted the commutation at the revised rates and not the old rate.

[Signature]
[Signature]

4.13 That in the case of service pensioners there is no provision of separate commutation medical board. Since it is none of the fault of the applicant the unnecessary delay in settling his commutation pension by the opposite parties and he had already completed necessary formalities along with the medical boards, he should have been granted commutation of a portion of his pension 25 (maximum admissible) from the date of his resurvey medical board ie. from 20.12.1987 at the revised rates of pension.

4.14 That due to the utter negligence on the part of opposite party no.6, considerable delay has been caused to settle the commutation pension of the applicant and as such the applicant is suffering financial hardship in these hard days as a disabled ex-serviceman.

4.15 That the applicant is being denied the fundamental rights guaranteed under the Article 19 of the Constitution of India for getting his pension commutation amount which is his right to property.

4.16 That the pensioner is being discriminated in utter dis-regard of the provisions contained under Article 14 and 16 of the Constitution of India,

[Signature]

M. Narayan
Adv.

4.17 That the rules and regulations applicable for the commutation of pension of the applicant is not being followed in proper manner hence the applicant is suffering recurring loss after his retirement and he is also entitled to get interest @ 15% per annum on the amount due with effect from the date of retirement.

5. Grounds for relief with legal provisions.

(a) Because the opposite party no.3 initially refused to grant portion of commutation pension in 1986.

(b) Because on perusuation of the case the CDA(P) Allahabad, the opposite party no.3 addressed to opposite party no.5 for arranging a commutation medical board at the earliest in April 1989.

(c) Because the opposite party No.6 arbitrarily taken a decision to conduct Resurvey medical board instead of arranging a commutation medical Board, in ax his own accord on the contrary of decision contained by his higher authorities ie . opposite party no.5.

(d) Because the opposite party no.6 refused to hold the medical board and returned all connected papers to Opposite party no.5 hence so much delay in settling his commutation pension.

M. Narayan
Adm.

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(e) Because despite repeated reminders ~~and~~ by opposite party no.5 the opposite party no.6 utterly failed to conduct medical board and submit the papers to opposite party no.3 for arranging payment.

(f) Because in the instant case since the commutation papers were sent by the medical board in 1984 the applicant ^{should} have been granted the commutation at that time itself.

(g) Because necessary formalities have already completed and maximum commutation of a portion of his pension should have been granted by the opposite parties from the date of his resurvey medical board, which took place on 20.12.87 at the revised rates of pension.

(h) Because the applicant is being denied the fundamental rights guaranteed under the Article 19 of the Constitution of India for getting his pension commutation amount which is his right to property.

(i) Because the pensioner is being discriminated in utter dis-regard of the provisions of Article 14 and 16 of the constitution of India.

(j) Because the rules and regulations applicable for the commutation of pension of the applicant is not being properly followed hence the applicant is suffering

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M. Narayan
Adm.

recurring loss after his retirement /discharge from service and he is also entitled to get interest @ 15% per annum on the amount due with effect from the date of discharge.

6. Details of remedies exhausted.

The applicant declares that he has availed of all the remedies available to him under the relevant service rules, etc.

7. Matters not previously filed or pending with any other Court.

The applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any Court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

8. Relief sought :-

In view of the facts and circumstances mentioned in paragraph 4 , the applicant prays for the following relief(s) :-

8.1 That the opposite parties may be directed to grant commutation of portion of his pension as per recommendation of invalidment medical Board held at the

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time of discharge from his Army Service.

8.2 That the opposite parties be directed to pay 15% interest from 15.11.1984 ie. the date of discharge on the amount payable after commutation of part of pension ie. maximum admissible part of the pension.

8.3 Issue any other order or direction as this Hon'ble Tribunal may deem fit in the circumstances of the case.

8.4 Allow the application with costs.

9. Interim order, if any prayed for:-
No.

10. Not applicable

11. Particulars of Bank & Postal order filed in respect of the application fee. Postal order No 8024/5955

High Court, Lucknow Post office IP.O No.

dated - 1990 for Rs.

12. List of annexures.

i. Annexure no A-1


.. Copy of CDA(P) Allahabad letter No.G.1/M/49011 dated 4.4.1989. 28.4.1986.

ii) Annexure no.A-2

; Copy of CDA(P) Allahabad letter No.G-1/M/49011 dated 4.4.1989.

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Adm-

- iii) Annexure no. A-3 ... Copy of HQ. U.P. Area Bareilly letter No. 294012/M-5(A) dated 22.4.1989.
- iv) Annexure no. A-4 .. Copy of letter No. BH/298/Stats/MDS dated 2.5.1989 of Base Hospital, Lucknow.
- v) Annexure no. A-4 5 .. Copy of letter No. BH/298/Stats/MDS dated 4.7.1989 of Base Hospital, Lucknow.
- vi) Annexure no. 6 .. HQ. UP Area Bareilly letter No. 294012/M-5A dated 19.3.90.
- vii) Annexure no. 7 .. Copy of HQ UP Area, Bareilly letter No. 294012/M-5A dated 28.6.90.


Applicant

Lucknow

Dated:

Verification.

I, SS-29220-M Capt RAS Yadav aged about 35 years son of late Shri Madhav Singh Yadav, hereby verify that the contents of paras 1 to 4, and 6 to 11 are true my personal knowledge and the contents of para 5 on legal advice which I believed to be true and that I have not suppressed any material fact.

Lucknow,

Dated:

I identified Shri RAS Yadav, who has signed before me.


Advocate.


Advocate.

ब अदायत श्रीमान

CIRCUIT BENCH, LUCKNOW

महोदय

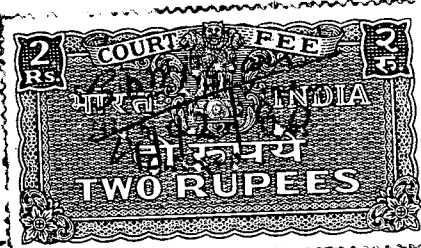
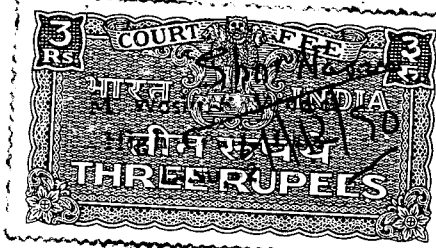
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प्रतिवादी [रेस्पान्डेन्ट]



SS29220- m Capt RAS

Yadav (K.P.) - Applicant

1688418

बनाम

प्रतिवादी (रेस्पान्डेन्ट)

Union of India and others

Opp. Parties

मुकदमा नं०

सन्

पेशी की ता०

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ऊपर लिखे मुकदमा में अपनी ओर से श्री

SHRI NARAIAN, Advocate

14/629 Bcc of Karamai Betti, Judge

वकील

महोदय

एडवोकेट

Jm

नाम अदालत
मुकदमा नं० नाम
फरीकन बनाम

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रुपया जमा करें या हमारी या विपक्षी (फरीकासनी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवें या पंच नियुक्त करें-वकील महोदय द्वारा कौं गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा छपर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर जाम आवे ।

Shri Narain Advocate हस्ताक्षर Rade

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक 41-12-90

महीना

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SITTING AT LUCKNOW

B. A. S. Yadav

u.o.l

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U. K. Dhaon

.....Advocate, to be counsel in the above matter, and for me/us and on my / our behalf to appear, plead, act and answer in the above Court or any Appellate Court or any Court to which the business is transferred in the above matter, and to sign and file petitions, statements, accounts, exhibits, compromises or other documents whatsoever, in connection with the said matter arising there from, and also to apply for and receive all documents or copies of documents, depositions, etc, etc, and to apply for issue of summons and other writs or subpoena and to apply for and get issued any arrest, attachment or other execution, warrant or other and to conduct any proceeding that may arise thereout and to apply for and receive payment of any or all sums or submit the above matter to arbitration.

Provided, however that if any part of the Advocate's fee remains unpaid before the first hearing of the case or if any hearing of the case be fixed beyond the limits of the town, then, and in such an event my / our said advocate shall not be bound to appear before the court and if my/our said advocate doth appear in the said case he shall be entitled to an outstation fee and other expenses of travelling, lodging, etc. Provided ALSO that if the case be dismissed by default, or if it be proceeded ex parte, the said advocate (s) shall not be held responsible for the same. And all whatever my / our said advocate (s) shall lawfully do, I do here by agree to and shall in future ratify and confirm.

ACCEPTED :

Shary

29-11-21

1. ~~_____~~ Advocate

2, _____ Advocate

Signature of Client

(R 11) Dw AS 711
No फनल
Lt Col
हो ए र जे (विधि)
DAIG Leg.
एच क्यू एफ आर सी U N Area
HQ UP Arcs

(A21)

Annexure I I

No.G1/M/49011
Office of the CDA(Pens).
Allahabad. dt. 28.4.86

To,

Army Headquarters
Personnel Services
Directorate, AG's Branch,
DHQ, Po. NEW DELHI-110 011

Sub:- Payment of pension To, SS-29220-M, Ex. Capt. Ram Autar Yadav.

Ref:- Your letter No.8/39129/R/AG/PS4(b) dt.26.12.85.

The above named officer has been granted disability ^{benefit} element under this office pension payment order No.M/Final/2889/85, payable at Treasury officer, GHAZIPUR (UP). Since the officer's ~~account~~ runs in a heavy debit balance, outstanding demands of Rs.6800/- on account of Terminal Gty. and Rs.623.32 of debit balance as intimated by the CDA (Officer) Puno, was notified for recovery from the ~~amounts~~ of pension under the above ~~order~~ PPO. In view of the above, the officer will not be able to draw pension for some time till the whole outstanding demands against him is fully recovered as he has been granted pensionary awards in lieu of terminal Gty. already received by him.

Accounts officer (Pens).

Copy for information to:-

Ex. Capt. Ram Autar Singh Yadav
Vill. Kalupur, Po. Tanghat, Distt. Ghazipur (UP)

You have already been granted disability pension consisting of ~~service~~ and disability pension under this office PPO NO. M2889/85, payable by T.O. Ghazipur (UP). However your ~~account~~ runs in a heavy debit balance (viz Terminal Gty. of Rs.6800/- debit balance of Rs.623.32) which has been notified for recovery from the above mentioned PPO as intimated by CDA (O) Puno. ~~As such~~, you will not be able to draw pension till the entire outstanding demands are liquidated.

As regards grant of commutation of pension, it is stated that commutation of pension of ~~some~~ element of disability pension is permissible only if the disability is accepted for life. As in your case the disability has been accepted for a ~~limited~~ period (which viz u.o.f. 16.11.84 to 11.9.87) the question of commutation of a portion of pension does not arise at this stage.

Given Copy

Accounts officer (Pens)

Attested
Signature
Adm.

28/4

Ann-2

No G/M/49011
Office of the C.F. DA (P)
Allahabad.
DT. 4. 4. 89

To ~~Logd~~
Area H.O.s.
U.P. Area H.O.s.
BAREILLY CANTT.

Subject Commutation of Medical Board
in respect of Capt. RAS YADAV

The above named officer has been
sanctioned pension vide this office
PPO NO M/DIS/67/88.

Now he has applied for
Commutation of pension. You are
therefore requested to arrange Commuto
Medical Board on him.

IAAM 1253 in triplicate along
form of Medical Board report ^{with} ~~are~~
enclosed.

The officer's present address is
as under.

Capt RAS YADAV.
C-9. IKSHUPURI
TAIL ROAD Lucknow - 226002.

sd _____
Accounts Officer (C)

~~True Copy~~ Copy for information to

~~Attached~~ Capt. R.A.S. YADAV.
C-9 IKSHUPURI
TAIL ROAD Lucknow - 226002
Accounts Officer (C)

H28

Annexure No 3

Tele No : 284

REGD IS IT REGD / SOSHeadquarters
Uttor Pradesh Area
Bareilly

294012/A-5 (A)

22 Apr 89

Base Hospital
Lucknow - 2COMMITMENT MEDICAL BOARD IN RESPECT OF
CAPT RAS YADAV (SS-29220M)

1. Refer CDA (P) Allahabad letter No G1/M/49011 dated 04 Apr 89 (attached is original).
2. The above named officer has applied for commutation of his pension vide his application for commutation dated 04 Apr 89. LAFM-1253 is triplicate alongwith form of Medical Board report are enclosed herewith for arranging commutation medical board on the officer.
3. The officer may please be issued with a call up notice for the subject board at your earliest.
4. CDA (P) letter quoted under reference, alongwith its encs. may please be returned to this HQ alongwith the board for our necessary action.

S S Chandra

(S S Chandra)

Col

Offg DMS

encs : as above.

copy to :-

CDA(P) Allahabad - for info please.

✓ Capt R A S Yadav (Retd) - you are advised to contact BH Lucknow
C-9, Ikshupuri for your subject board on receipt of
Jail Road Lucknow-2 call up notice from them.

True Copy

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Mansoor
Har

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Annexure No 4

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Base Hospital
Base Hospital
Luebo - ?

44-293-Sub E-2-10B

02- May 89

Headquarters
W. Area (Hq)
Really

ORGANIZATION, Boston, Massachusetts is a branch of CAPE GROUP
 (Boston, Massachusetts) and can be found at (617) 552-2222

1. Refer to your HQ letter to 29402/P-5(A) of 21 Apr 89 and 29402/P-5(A) dated 22 Apr 89.
2. Please inform the ruling on the subject for the guidance to hold consultation and call to get in support of IC-54546 Capt Army Hospital and 65-29226M Sgt Army Hotel in this hospital.

Laherty
 (S O SOth)
 Lt Col.
 Regular
 Air Component

Copy to D-

WPA 2/ All cables - for info. please

Sept 2 A S Yoder (Rusts)
- 5, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843,

Capt. Army Reserve (Ret.)
 44 Park Road
 Jackson - 22610

True Copy
Alaska
Alaskan
son

A25

Telex No : 2519

Annexure No 5

Regd / S.D.S. -
Base Aspatan
Base Hospital
Lucknow - 2

L2/298/Stats

04 Jul 89

Headquarters
UP Area
BareillyCOMMUTION MEDICAL BOARD IN RESPECT OF
CAPT RAS YADAV (SSI-292201)

1. Refer to this office letter No L2/298/Stats/CUM dated 23 May and 09 Jun 89.
2. Commution Medical Board in respect of the above named officer are return herewith as there is no reply or response from CDA Allahabad for your further action.
3. Please ack receipt.

Enc's : Seven (7)

Copy to :-

CDA (P) - for info.
AllahabadCapt R A S Yadav (Retd) - for info.
C-9, Ikahupuri
Jail Road Lucknow - 2Sgt
(Sajjan Singh Pangra))
it Col
Registrar
for Commandant

True Copy!

Attested
Mansoor
ADM.Letter to Hqn UP Area
Unit to be held
- the board of (HCC) etc.
10-7-89

10-7-89

292201/RAS/200
dt 27.7.89
to ADMS
Jail
27.7.89

Civ. No of Mil Exchange Bareilly - 7327/75 75

Annexure No 6

Uttar Pradesh
Bareilly

19 May 90

294012/M-5A

Base Hospital
Lucknow - 2

COMMITATION MEDICAL BOARD IN RESPECT OF CAPT
RKS YADAV (SS-39220)

1. Refer to your letter No BH/298/Stats dated 04 Jun 89.
2. The following documents in respect of the above named offr are forwarded herewith for your further action please : -
 - (a) IAFM-1253 (In triplicats)
 - (b) Photocopy of AFMSF-16 dt 17 Sep 84
 - (c) Photocopy of Govt of India Min of Def letter No F-2(127)/84/Pen-C dated 22 May 85.

Mishra/-

Copy to :-

Ex Capt RAS Yadav -
C-9 Ikshapuri Jail Road
Lucknow - 2

Chakraborty
(M C Chakraborty)
Lt Col
DAH
for ADMS

Refer to CDA (P) Allahabad letter No G-1/M/49011 dated 27 Feb 90. You are requested to contact BH Lucknow in connection with your commutation medical Board on hearing from them.

True Copy

Attested
Shamsher
Sen

23.3.90

1129

Annexure No 7

Tale Nil : 2894

REGIS. NO. 1129/200Designers
Uttar Pradesh Area
Barilly

204012/1-5(A)

28 Jun 90

BH Lucknow -2

COMMITTEE REPORT IN RESPECT OF C-PT
HAS YADAV (153-30230)

1. Refer to this HQ letter no 204012/1-5(A) dated 28 Apr 90.
2. Please intimate the present position of the case.

IP/-

600
(S C Dist)
Lt Col
Offc BAH
FOR CDR ADP

Copy to :-

Ex Capt and Talwar
C-0 Mahipuri Jail Road
Lucknow-2

True Copy,

Filed
Mansoor
Adu

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH : LUCKNOW.
Opp. Residency, Gandhi Bhavan, Lucknow

.....

NO. CAT/CB/LKO/JUDL/

Date

REGISTRATION O.A. NO 393 OF 19 90 A,

SS. 29220-M. copy R.A.S. Yadav (Rtd) Applicant.

VERSUS

Union of - India.

Respondents

① Shri A.K. Chaturvedi. Adv.
Addl. Standing Counsel.
Central Admin. Tribunal.
Gandhi Bhawan, Lucknow.



Please take notice that the applicant above named has presented an application a copy _____ here of is enclosed herewith which has been registered in this Tribunal and the Tribunal has fixed 23 day of 9/91 for admission.

If, no appearance is made on your behalf, your pleader of by some one duly authorised to Act and plead on your behalf in the said application, it will be heard and decided in your absence. Given under my hand and the seal of the Tribunal this 6 day of 9 19 91.

For Deputy Registrar.

M. Panda./

Emep copy of Petition with Court, 3
order dt 30/8/91 passed there on,

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH : LUCKNOW.

O.A. No. 393/90(L)

SS-29220-M Cappy Ras Yadav (Rtd) Applicant.

Versus.

Union of India & Others. Respondents.

30.8.91.

Hon'ble Mr.D.K.Agrawal, J.M.

The applicant is aggrieved in regard to his settlement dues as an Army Officer. Therefore, the preliminary question is whether this Tribunal has jurisdiction ~~over~~ the subject matter. The applicant is counsel is not present. Therefore, it is considered proper to provide him an opportunity to seek assistance of his counsel for satisfying us how the Tribunal can exercise jurisdiction ~~over~~ the subject matter contained in this claim petition. Shri A.K.Chaturvedy. Addl. Standing Counsel for the Tribunal may be given notice by the office to assist us in the disposal of the matter.

admission
List for ~~admission~~/hearing on *23.9.91* 23.9.91.

J.M.
Sd/-

M.P.

(True copy)

MOS
Sd/- Officer
Central Administrative Tribunal
Circuit Bench
LUCKNOW

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH : LUCKNOW.
Opp. Residency, Gandhi Bhavan, Lucknow.

25/7/91

No. CAT/CB/LKO/JUDL/ 1182-10-1107

Date

REGISTRATION O.R. NO 393 OF 1970(C)

Capt R.A. S. Yadav

Applicants

VERSUS

Union of India.

Respondents

- ① Union of India through the Secretary, Ministry of Defence New Delhi
- ② Controller General of Defence Accounts New Delhi
- ③ Controller of Defence Accounts (Pensions) Alld.
- ④ Army Headquarters Personnel Services Dte A.G.S Branch DTC Post office New Delhi
- ⑤ Central officer Commanding H Qs U.P. Area Base
- ⑥ Officer Commanding Base Hospital. DKO Commandment

Please take notice that the applicant above named has presented an application a copy Petition here of is enclosed herewith which has been registered in this Tribunal and the Tribunal has fixed 30 day of 8/91 for Admission.

If, no appearance is made on your behalf, your pleader or by some one duly authorised to Act and plead on your behalf in the said application, it will be heard and decided in your absence. Given under my hand and the seal of the Tribunal this 12 day of 7 1991.

For Deputy Registrar.

M.P.

Encl Copy of Petition with court's order dt- 2/7/91 passed there on.

Central Administrative Tribunal
Circuit Bench Lucknow.
O.A.No. 303 of 1991(L)

CS
A
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SL-20220-1 Copy RAYYachuv (RCA) Applicant
VORCO
Union of India Coches Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.
Dated: 2.7.1991.

Isue notice to show cause why the petition
is not admitted. List for admission/hearing on
30.8.1991.

V.C.



// True copy //

[Signature]

R.S.M.

Section Officer
Central Administrative Tribunal
Circuit Bench
LUCKNOW

Chen

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
CIRCUIT BENCH : LUCKNOW.

Registration O.A.No.393 of 1990(L)

Capt. RAS Yadav (Retd.)

....

Applicant

Vs.

Union of India & Others

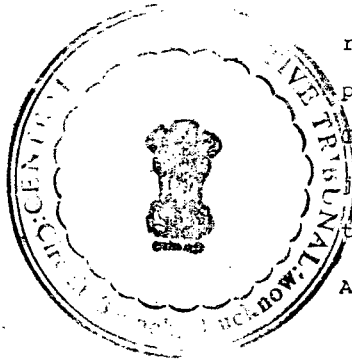
....

Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. A.E. Gorthi, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)



The applicant who approached this Tribunal regarding inordinate delay in settling the commutation of pension despite several reminders to the opposite parties. The preliminary objection is whether the Tribunal has jurisdiction over the subject matter. As the claim of the applicant ^{b L} ~~is~~ not covered under Section 14 & 19 of the Administrative Tribunals Act, it is dismissed.

Member (A)

Vice-Chairman.

8th Nov. 1991, Lucknow.

(sph)

Attested

True Copy

C.T.C.

ARON

Secy 27/11/91
Central Administrative Tribunal
Circuit Bench
Lucknow

27/11/91

व अदालत श्रीमान

[वादी] अपीलान्त

प्रतिवादी

In the Honble CAT Court Bench

महोदय

Respondent

वकालतनामा

A 33

(टिकट)

वादी (अपीलान्त)

Capt. R. S. Yadav

बनाम

प्रतिवादी (रेस्पॉन्डेंट)

Union India & others

मुकदमा नं०

सन्

पेशी को ता०

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ऊपर लिखे मुकदमा में अपनी ओर से श्री बी० के० चौधरी एडवोकेट हाईकोर्ट
ऊपर स्थायी अधिवक्ता भारत सरकार लखनऊ वेन्य, निवास- १४/६२६
बरफखाना, नईबस्ती अलंकार सिनेमा के पास लखनऊ टेली. न. २३४६८६
हाईकोर्ट चेम्बर न. १४ टेली. न. २४०६०७

नाम अदालत... 393/90
मुकदमा नं० नाम... Capt. R. S. Yadav v/s Union
फरीकन... बनाम... India

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रुपया जमा करें या हमारी या विपक्षी (फरीकासनी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवें या पंच नियुक्त करें वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूं कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

Free today
30.8.91

स्वीकृत

(बी० के० चौधरी)

एडवोकेट हाईकोर्ट



हस्ताक्षर

Li Col/...

Offg Registrar

B & LUCKNOW

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

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महीना

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