

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 845 of 1994

Transfar Application No:

DATE OF DECISION: 21.11.1994

M.G. Kawade Petitioner

Mr. S.S. Karkera Advocate for the Petitioner

Versus

U.O.I. & Ors. Respondent

Mr. P.M. Pradhan Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri **Justice M.S.Deshpande, Vice Chairman**

The Hon'ble Shri

1. To be referred to the Reporter or not ? M'
2. Whether it needs to be circulated to other Benches of the Tribunal ? M'


V.C.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PRESCOT ROAD, BOMBAY-1

O.A. No. 845/1994

M.G. Kawade

..Applicant

V/s.

Union of India & Ors.

..Respondents

CORAM: Hon. Shri Justice M.S.Deshpande, V.C.

Appearance:

Mr. S.S. Karkera
counsel for the applicant

Mr. P.M. Pradhan
counsel for the respondents

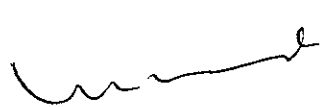
ORAL JUDGMENT:

(Per: M.S.Deshpande, Vice Chairman)

DATED: 21.11.1994

Shri Karkera, Id. Counsel for the applicant states that the applicant has already exercised an option in pursuance of the communication dated 29.9.94 pursuant to which the benefits would be extended to the applicant and therefore nothing survives in the application.

2. The only direction that we would be making is that the department should take steps pursuant to the option exercised by the applicant as expeditiously as possible. With this direction the application is disposed of.


(M.S.Deshpande)
Vice Chairman

Copy of communication No. 28/29/93-P&FW(B) dated 23-5-94 from Deputy Secretary to G.O.I., Department of Pension & Welfare, New Delhi received from D.O.T. New Delhi No. 42-13/90-PEN(T) dated 15-9-94 and C.G.M.T. Bombay No. TFC/ATE-766/XII/104 dated 29-9-94.

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:: OFFICE MEMORANDUM ::

Subject : Exercise of option by Military Pensioners re-employed in Civil services or posts, under Rule 19(1) of CCS (Pension) Rules 1972.

1. The undersigned is directed to refer to this Department's O.M. No. 28/50/87-P&FW dated 31 May, 1988 on the subject mentioned above and to say that a re-employed military Pensioner seeking the benefit of past service under Rule 19(1) of CCS (Pension) Rules is allowed to exercise option for counting of military service as qualifying service within a period of one year from the date of joining Civil service or Post. It is also laid down that the amount of pension, gratuity etc.. already received by such Government servants from the Military authorities shall be refunded to the Government with interest from the date of their joining the Civil service. In the said order it was specifically laid down that the administrative authorities concerned are required to incorporate in the order of re-employment itself a clause to the effect that if the re-employed ex-serviceman desired to take advantage of the retirement benefit based on combined Military and Civil service, he should exercise option within a period of one year from the date of his re-employment.

2. It has been represented to this Department by Associations of Military Pensioners and individuals that in some cases it has not been possible for Ministries/Departments and Field offices to disseminate the information about the facility for exercise of option in terms of the above mentioned orders to the affected officers/service-men who were posted in the different parts of the country. As a result, many of these officers/servicemen could not avail of the opportunity to exercise their options within the stipulated period, keeping in view these representations, it has been decided as a one time relaxation, to provide a last opportunity to Military pensioners who are presently re-employed in Civil posts/services to exercise the option for counting of Military service as qualifying service within a period of 6 months from the date of issue of these orders.

3. The officers/servicemen exercising option in accordance with the provisions of this O.M. for counting of Military service as qualifying service shall be required to refund the benefits in accordance with the provisions of the Rule 19(1) of CCS (Pension) Rules, 1972 alongwith 6 percent simple interest as already notified vide this Department's O.M. of 31st May, 1988, referred to above.

4. In so far as persons working in the Indian Audit & Accounts Department are concerned, these orders have been issued in consultation with the Comptroller and Auditor General of India.

... (2)/-

NO: P-4047/Staff-A

Dated at Bombay, the 6-10-94

The Ex-Servicemen, who are appointed in this office, but could not avail of the opportunity to exercise their option within stipulated period for any reason, are hereby directed to avail the above mentioned facility of a One Time Relaxation and exercise the option for counting of Military service as qualifying service immediately. Their options should reach in this office on or before 23-11-94 positively. This being a last opportunity the options received after 23-11-94 will not be considered.

Copy forwarded for information & immediate necessary action to :-

- 1) Shri M.G. Kawade, Telegraphist Staff No. 4047, C.T.O. Bombay.
- 2) " P.R. Wanjari, TL, Staff No. 3889, C.T.O. Bombay.
- 3) " K.S. Wankhede, T/Asstt. Staff No. 6051, T.O. Andheri, Bombay.
- 4) " Laxman Pandit, T/Asstt. Staff No. 6596, C.T.O. Bombay.
- 5) " L.P. D'Souza, TL Staff No. 4008, C.T.O. Bombay.
- 6) " V.D. Kapse, T/Asstt. Staff No. 6942, C.T.O. Bombay-01.
- 7-11) NOTICE BOARDS : Gr. floor, /1st floor, /2nd floor /7th & 8th floors.
- 12-39) Incharges of all Telegraph Offices.
- 40-50) Incharges of all Telecom Centres.
- 51-52) Instructor, T.T. Class, Girgaon & Santacruz, Bombay.
- 53) S.S.T.T. (North) Malad, Bombay-64.
- 54-57) L.S.G. (A)-I /II /III /IV.
- 58) S.S. Pension.
- 59) A.A.O. Precheck Unit.
- 60) J.A.O. (Internal Check).
- 61) Accounts Officer, C.T.O. Bombay.
- 62) M-7/Tribunal/MG Kawade (Under Staff-'A')
- 63-65) S.S. Staff-'A' /'B' /Rectt.
- 66) Smt. Bhosale (Under S.S. Rectt.)
- 67) Shri Nachankar (Under S.S. Rectt.)
- 68) Smt. Deosthalee (Under S.S.-'A')
- 69-75) Spare.....

for CHIEF SUPERINTENDENT,
C.T.O. BOMBAY-400 001.

More*