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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW DELHI

O.A. No 199/89  
T.A.-No.

198

DATE OF DECISION 5.6.1992

Shri Mohd. Gouse

Petitioner

Mr. K.V. Lakshamana Rao

Advocate for the Petitioner(s)

Versus  
The Union of India rep. by the Director  
General, Telecommunications,  
New Delhi and another.

Respondent

Mr. N.E. Devraj

Advocate for the Respondent(s)

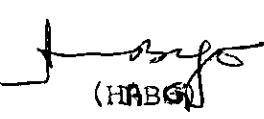
## CORAM :

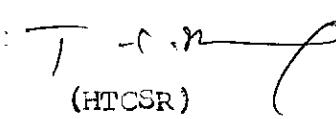
The Hon'ble Mr. A.B. GORTHI, MEMBER (ADMN.)

The Hon'ble Mr. T. CHANDRASEKHARA REDDY, MEMBER (JUD L.)

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?  Yes
4. Whether it needs to be circulated to other Benches of the Tribunal?

MGIPRRND-12 CAT/86-3-12-86-15,000

  
(HABG)  
M(A)

  
(HTCSR)  
M(J)

(21)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD.

O.A.No.199/89

Date of Order: 5.6.1992

BETWEEN :

Shri Mohd. Gouse

.. Applicant.

A N D

1. The Union of India  
rep. by the Director General,  
Telecommunications, New Delhi.

2. The General Manager,  
Hyderabad Telecom District  
Suryalok Complex  
Hyderabad.

.. Respondents.

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Counsel for the Applicant

.. Mr.J.V.Lakshmana Rao

Counsel for the Respondents

.. Mr.N.R.Devraj

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CORAM :

HON'BLE SHRI A.B.GORTHI, MEMBER (ADMN.)

HON'BLE SHRI T.CHANDRASEKHARA REDDY, MEMBER (JUDL.)

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(Order of the Division Bench delivered by

Hon'ble Shri A.B.Gorthi, Member (Admn.)

.. 2 ..

The prayer of the applicant is for a direction to respondent No.2 to refix the applicant's pay in the new scale recommended by the IV pay commission and accordingly to revise his monthly pension from his date of retirement from ~~4.3.1986~~ with all consequential benefits.

2. The applicant joined the Telecom Department and was serving as Junior Telecom Officer in the pre-revised scale of Rs.425-640, and was drawing monthly emoluments of Rs.600. He was permitted to retire voluntarily from the service w.e.f. 4.3.1986. After his retirement his pension was fixed at Rs.440 per month. The applicant's contention is that his pension was incorrectly fixed at Rs.440 per month and that it should have been fixed in accordance with the revised scale of pay as recommended by the IV pay commission w.e.f. 1.1.1986. He represented to the authorities concerned, but without any success.

3. The respondents, in their brief counter, have brought out that the applicant was absent from duty from 15.3.1983 to 3.3.1986 and that the entire period of his absence was treated as 'DIES NON'. Consequently he received no pay for the said period. Accordingly for the purpose of fixation of his pension, the pay and allowance drawn by him for a period of 10 months prior to 15.3.1983 were taken as the basis. His pension was therefore correctly fixed.

4. The facts stated and the questions of law raised in this case are similar to those in OA.197/89 which ~~two~~ has been decided by us today. For the reasons stated in the ~~said~~ Judgement, by which we dismissed OA.197/89,

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..3..

this application <sup>also</sup> deserves to be ~~deserves to be~~ dismissed.  
We order accordingly. There shall be no order as to costs.

*Ansps*  
(A.B.GORTHI)  
Member (Admn.)

*T. Chandrasekhar Reddy*  
(T.CHANDRASEKHARA REDDY)  
Member (Judl.)

Dated: 5th June, 1992

(Dictated in the Open Court)

*8/6/92*  
Dy. Registrar (Judl.)

Copy to:-

1. Director General, Telecommunications, Union of India, New Delhi.
2. The General Manager, Hyderabad Telecom District Suryalek Complex, Hyderabad.
3. One copy to Sri. J.V.Lakshmana Rao, advocate, Flat No. 830 Balaji Towers, New Bakaram, Hyd-380.
4. One copy to Sri.N.R.Devaraj, Addl. CGSC, CAT, Hyd.
5. One copy to Hon'ble Mr. A.B.Gorthi, Administrative Member CAT, Allahabad Bench, Campt at Hyd-Bench.
6. One copy to Hon'ble Mr. T.Chandrasekhar Reddy, Judicial Member, CAT, Hyd.
7. One spare copy.

sd

*Civil* 0.4.1991/89

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

THE HON'BLE MR. A. B. Gorai,

*V.M.*

AND

THE HON'BLE MR. R. BALASUBRAMANIAN : M(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY :  
MEMBER (JUDL)

AND

THE HON'BLE MR. C. J. ROY : MEMBER (JUDL)

Dated: 5-6-1992.

ORDER / JUDGMENT

R.A./C.A./M.A. No.

in

O.A. No. 1991/89

T.A. No.

(W.P. No. )

Admitted and interim directions  
issued

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for Default.

M.A. Ordered Rejected.

No order as to costs.

Central Administrative Tribunal

26 JUN 1992

HYDERABAD BENCH

pvm.