

(B)

IN THE CENTRAL ADMINISTRATIVE TRIBUNA: HYDERABAD BENCH  
AT HYDERABAD

CP. 91 /96 in OA. 285/91

dt. 5-12-1996

Between

B. Satya Rao

: Petitioner

and

1. Sri K.A. Nambiar  
Defence Secretary  
Min. of Defence, Govt. of India  
South Block, New Delhi-110 011

2. Admiral V.S. Shekhawat  
Chief of Naval Staff  
Sena Bhavan, New Delhi -11

3. Vice Admiral P.S. Das  
Flag Officer Commanding-in-Chief  
Eastern Naval Command, Naval Base  
Visakhapatnam

: Respondents

Counsel for the petitioner

: M.P. Chandra Mouli  
Advocate

Counsel for the respondents

: N.R. Devaraj  
Senior CGSC

CORAM

HON. MR. JUSTICE M.G. CHAUDHARI, VICE CHAIRMAN *full*

HON. MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

CP. 91/96 in OA. 285 /91

dt.5-12-96

Judgement

Oral order (per Hon. Mr. Justice M.G. Chaudhari, VC )

Mr. M.P. Chandra Mouli for the petitioner. Mr. N.R. Devaraj for the respondents.

1. For the reasons separately recorded in the CP.86/96 which are adopted for the purpose of this order since both the cases are similar the following order is passed:

In the circumstances in order to subserve the interests of justice we pass the following order :

We give liberty to the applicant to file a representation to the Flag Officer Commanding in Chief (FOC in C), Eastern Naval Command, Visakhapatnam, raising his contentions in regard to fulfilment of condition No.(b) mentioned in para-2 of the letter dated 28-5-1996 as also any other contentions as he may be advised including relating to other conditions mentioned in para-2 of that letter as also in para-3 of the counter and requesting reconsideration of his claim.

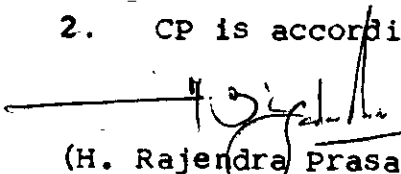
If such a representation is filed within a period of eight weeks from today then the FOC in C shall cause the representation properly examined in the light of observations made herein above in this order as well as keeping in mind the findings in the original order and take a decision on the question of entitlement of the applicant to receive pro-rata pension. In the event of FOC in C taking the view that the claim of the applicant deserves to be rejected then he shall record brief reasons in support of that decision and convey the same to the applicant.

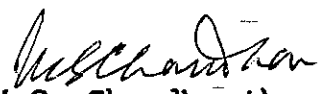
We may observe for the guidance of the FOC in C that this batch of cases requires to be examined as isolated cases arising out of regularisation accorded to the applicants by Court orders and the conditions which are required to be fulfilled particularly c,d, & e appear to be more technical in nature rather than of substance. Sympathy and liberal view if possible may be taken so as to avoid future litigation.

FOC in C is requested to decide the representation as expeditiously as possible preferably within a period of 12 weeks from the date of receipt of the representation and convey the result to the applicant immediately after the decision is taken.

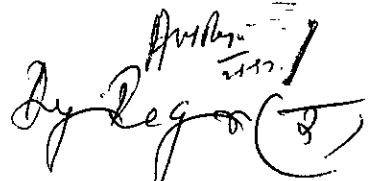
The applicant will be at liberty to adopt such remedies as he may be advised in accordance with the law in the event of being aggrieved with the decision of FOC in C on his representation. The applicant however will in that event adopt substantive proceedings as may be advised and he will not agitate his grievance in the shape of a contempt application.

2. CP is accordingly disposed of.

  
(H. Rajendra Prasad)  
Member (Admn.)

  
(M.G. Chaudhari)  
Vice Chairman

Dated : December 5, 96  
Dictated in Open Court

  
Dy. Registrar

sk

9  
24/1/97

I COURT

TYPED BY

CHECKED BY

COMPALED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI  
VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD  
MEMBER (ADMN)

Dated:

5-12

-1996

~~ORDER~~ / JUDGMENT

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

in

O.A.No.

285/91

~~C.A.No.~~

~~(W.D.)~~

Admitted and Interim Directions  
issued.

Allowed.

☒ Disposed of with directions

☐ Dismissed.

☐ Dismissed as withdrawn.

☐ Dismissed for default.

☐ Ordered/Rejected.

☐ No order as to costs.

pvm.

