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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O. A. 926/94.

Dt. of Decision : 25.1.95.

Kilaru Babu Rao

.. Applicant.

Vs

1. The Controller of Defence
Accounts (Pensions) Allahabad,
UP., India.
2. Sub-Treasury Officer,
Sub-Treasury Office,
Narasannapeta, Srikakulam District. .. Respondents.

Counsel for the Applicant : Mr. M.P. Chandra Mouli

Counsel for the Respondents : Mr. K.Bhaskara Rao, Addl.CGSC.

on behalf of

CORAM:

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

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O.A.No. 926/94

Date of Order: 25.1.95

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

Heard learned counsel for both the parties.

The applicant before me is ~~a~~ ^{an} Sailor. Having served the Indian Navy for about 10 years he was discharged from service as he was placed in low medical category. He was paid terminal benefits, namely, service gratuity of Rs.3568.75ps & DCRG Rs.2099.25ps. He was also sanctioned disability element of pension keeping in view his low medical category which was reviewed from time to time. In the review that was conducted on 1.7.86 the percentage of the disability was assessed ~~on~~ at 50%. Consequent to the recommendation of the 4th Central Pay Commission his pension was fixed at Rs.375 p.m. w.e.f. 1.1.86. But the same was later on reduced from 1.7.88, Once again he was paid pension at the rate of Rs.375/- p.m. from 1.11.88 to 1.4.89. But thereafter he was being paid only Rs.225p.m. on the ground that he was entitled only to the disability element of Rs.225/-. Hence this OA.

2. The first question that requires to be determined in this OA is that ~~our~~ jurisdiction ^{of} for this Tribunal in respect of ex-servicemen. As per Section 2 of the Administrative Tribunals ~~the Act shall not apply~~ to any member of the Navy, Military or Air Force or any other Armed Forces of the Union. In the instant case as on today the applicant is no doubt not a member of any of the Armed Forces. The fact remains that the grievance of the applicant arises out of his claim to certain entitlements which are consequential to his discharge from Navy service. This

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aspect of the matter came up for consideration before the Full Bench of the Tribunal in K.Nagayan v. Union of India 1992 (2) SLJ CAT (584), wherein it was observed that the ^{en} bar jurisdiction as specified in Section 2 (A) of the Administrative Tribunals Act 1985 would be attracted when the right accrues by virtue of the applicant being a member ^{of} forces of the Union.

3. In the result this OA is liable to be dismissed for want of jurisdiction and is accordingly dismissed. The applicant will however be at liberty to approach the appropriate forum, if so advised, for redressal of his grievance. There shall be no order as to costs.

thosys
(A.B.GORTHI)

Member (Admn.)

Dated 25th January, 1995

(Dictated in Open Court)

A. B. Gorthi
Deputy Registrar (Judl)

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Copy to:-

1. The Controller of Defence Accounts (Pensions) Allahabad, U.P
2. Sub Treasury Officer, Sub-Treasury Officer, Narasannapeta, Srikakulam District.
3. One copy to Sri. M.P.Chandra Mouli, advocate, CAT, Hyd.
4. One copy to Sri. K.Bhaskara Rao, Addl. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-

OA-926/94L

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

THE HON'BLE MR.A.V.HARIDASAN : MEMBER(J)

AND

THE HON'BLE MR.A.B.GORTHI : MEMBER(A)

DATED : 25/1/95

ORDER/JUDGEMENT

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

D.A.NO.

926/94

Admitted and Interim directions issued

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default.

Rejected/Ordered

No order as to costs.

NO SPARE COPY

YLR

