

(37)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.531/96

Date of Order: 5.9.96

BETWEEN:

M.Shivanand

.. Applicant.

AND

1. Officer, Pension payment
Office, C.C.D.A(P), Union
of India, Allahabad.

2. The Officer, Signals Records,
Signal Abhilekh Karyalaya,
Post Bag No-5, Jabalpur (MP).

.. Respondents.

Counsel for the Applicant

.. Mr.P.S.Chakravarthy

Counsel for the Respondents

.. Mr.V.Rajeswara Rao.

CORAM:

HON'BLE Mr.JUSTICE B.C. SAKSENA : VICE CHAIRMAN

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J U D G E M E N T

X Oral order as per Hon'ble Mr.Justice B.C.Saksena:Vice ChairmanX

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When the case was called out none ^{appeared} ~~present~~ for the applicant. Heard Mr.V.Rajeswara Rao, learned standing counsel for the respondents.

2. The applicant in this OA seeks a direction to be issued to the respondents to pay the medical pension to the applicant and for quashing of order dated 28.8.95. He has also prayed for the arrears relating to disability/medical pension since the date of retirement to till date i.e. dt. 1.11.94 onwards.

3. The respondents in their counter affidavit have raised an objection with regard to the maintainability of this OA. Their plea is that the applicant was enrolled in the Army on 9.2.79 and was discharged from service on 31.10.94. It

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is further pleaded that in view of provisions Section 2 A of AT Act since the applicant as a member of the Army his grievance did not fall with the purview of the jurisdiction of the Tribunal. Section 2A of the AT Act reads as follows:-

"The Provisions of this Act not to apply to certain persons

The Provisions of this Act shall not apply to
(a) any member of the Naval, Military, or Air Forces
or to any other Army forces of Union".

4. The learned counsel for the respondents further cited a decision of the Calcutta Bench reported in 1992 (20) ATC 63. ^{Submission of want of}
The said decision clearly supports the jurisdiction of this Tribunal. The OA is accordingly dismissed as being not maintainable before this Tribunal.

B.C. Saksena
(B.C.SAKSENA)
Vice-Chairman

Dated: 5th September, 1996

(Dictated in Open Court)

sd

Dr. Reep Sran
10/9/96
(3)

OA.531/96.

Copy to:-

1. Officer, Pension Payment Office, C.C.D.A.(P),
Union of India, Allahabad.
2. The Officer, Signals Records, Signal Abhi~~lek~~kh Karyalaya
Post Bag No.5, Jabalpur(MP).
3. One copy to Sri. P.S.Chakravarthi, advocate, CAT, Hyd.
4. One copy to Sri. V.Rajeswara Rao, Addl. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-

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MA-53/96

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THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

Justice B.C. Saxena v.c.

THE HON'BLE SHRI R. RANGARAJAN: M(3)

DATED:

5/9/96

ORDER/JUDGEMENT

R.A/C.P./M.A.NO.

O.A.NO.

in
53/96

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED
DISPOSED OF WITH DIRECTIONS
DISMISSED ✓
DISMISSED AS WITHDRAWN
ORDERED/REJECTED
NO ORDER AS TO COSTS.

YLKR

II COURT

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण/DESPATCH
- 1 OCT 1996
हैदराबाद न्यायपीठ
HYDERABAD BENCH