

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

OA.No.516/97

Date of Order : 25.1.99

BETWEEN :

P.P.Subba Rao

.. Applicant

AND

1. The Union of India, rep. by  
The Director-General,  
Telecommunications,  
New Delhi.2. The General Manager, Telecom Dist.,  
Suryalok Complex, Hyderabad. .. Respondents.

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Counsel for the App&amp;licant

.. Mr.J.V.Lakshmana Rao

Counsel for the Respondents

.. Mr.V.Rajeswara Rao

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CORAM :

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUD L.)

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O R D E R

[ As per Hon'ble Shri B.S. Jai Parameshwar, Member (J) ]

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Mr. J.V. Lakshmana Rao, learned counsel for the applicant  
None for the respondents.

2. The applicant was appointed as Telephone Inspector  
w.e.f. 9.7.93. He submits that he served the Army as CEN/TCM/  
CRD between 1983 and 27.9.90. He submits that he has served  
for a <sup>total 7 years</sup> period of 5 months and 13 days in <sup>the</sup> Army. He retired on  
31.7.96. He submitted a representation to consider his earlier  
service in the Army for the purpose of fixing the pension and  
pensionary benefits. He submitted a representation dated 13.1.94  
earlier to his retirement (A-3). That was considered and a  
reply was given to the applicant by letter dated 11.3.94 (A-4)  
directing him to intimate the amount received by him towards  
DCRG and Service conditions for the service rendered by him  
in the Army. On the basis of it, he submitted a reply indicating  
an amount to be paid to him. Which is at Annexure-5. That  
the applicant submits that a sum of Rs.4053/- has been deposited by  
him and to prove the same <sup>a document is</sup> produced at Annexure-6 to the OA.

3. Thereafter the applicant submitted a representation  
dated 27.5.96 for counting his service in the Army and to  
re-determine  
the pension properly. The Accounts Department was also addressed  
the <sup>furnishing the particulars of</sup> by EME Authority for <sup>/</sup> his service, etc, by letter No.

JL

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HTD/AO/CT/M/96-97 dated -6-96 (A-8). In the meantime the applicant ~~had~~ retired on 31.7.96 (A-9).

4. This OA is filed praying for calling for the records in this connection and for a direction to the respondents to count his <sup>in the Army</sup> service <sup>of 7 years</sup> 5 months and 15 days for refixation of pay revision of pension and gratuity with all consequential and monetary benefits.

5. A reply has been filed in this OA. In the reply it stated ~~is~~ that the earlier calculation of money to be deposited by applicant was <sup>as</sup> ~~the~~ erroneous and it is enclosed <sup>as</sup> Annexure-R-1 and he has to pay some more money in view of Annexure-R-1. Soon after the OA was filed the respondents gave some other amount <sup>to</sup> be paid to the applicant <sup>as</sup> submits the learned counsel for the applicant. He says this point has been brought out in his rejoinder. As <sup>as</sup> rejoinder has been available on record we take the word of the applicant as correct.

6. In view of the above details it is evident that the factual position is not very clear. It is for the applicant to discuss this issue in detail with the respondent authorities to arrive at a decision as <sup>to the</sup> factual amount to be paid.

7. In the facts and circumstances of the case, the following direction is given :-

The  
 (a) <sup>upon</sup> R-2 or an officer nominated by him should issue a letter calling <sup>upon</sup> the applicant to be present on a particular date for examining this issue in detail. The records in this

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connection should be <sup>shown</sup> issued to the applicant during that meeting and on that basis the amount to be paid by the applicant for <sup>redetermination</sup> ~~of~~ <sup>has</sup> pensionary benefits <sup>it</sup> to be decided.

(c) If no more money has to be paid to the applicant that has to be noted in the meeting. Minutes of that meeting should be recorded. The signature of the applicant should be taken. If the applicant ~~should not have any~~ <sup>has no</sup> grouse <sup>minutes of the</sup> with that meeting he should endorse his views in the minutes. <sup>(d)</sup> If the issue is not settled and if there is divergence <sup>of opinion</sup> in the meeting the case should be put up to R-2 for final orders. <sup>(e)</sup> The final <sup>expeditiously</sup> orders should be informed to the applicant by R-2. If the applicant is going to be aggrieved by the orders given by R-2, he is at liberty to challenge that order in accordance with the law.

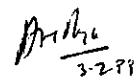
9. (f) Time for compliance is 2 months from the date of receipt of a copy of this order.

9. The OA is ordered accordingly. No costs.

  
 ( B.S. JAI PARAMESHWAR )  
 Member (Judl.)  
 25.1.99

  
 ( R.RANGARAJAN )  
 Member (Admn.)

Dated : 25th January, 1999  
 ( Dictated in Open Court )

  
 3-2-99

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Copy to:

1. HDHMJ

Typed By  
Compared by

Checked by  
Approved by

2. HHRP M(A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH:HYDERABAD.

3. HQSJP M(J)

4.D.R.(A)

THE HON'BLE MR. JUSTICE D. H. NASIR:  
VICE - CHAIRMAN

5. SPARE

THE HON'BLE H. RAJENDRA PRASAD  
MEMBER (A)

THE HON'BLE R. RANGARAJAN  
MEMBER (A)

THE HON'BLE MR. B. S. JAI PARAMESHWAR:  
MEMBER (J)

DATED: 25/1/99

ORDER/JUDGMENT

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

IN

R.A.N.O : 516/97

ADMITTED AND INTERIM DIRECTIONS  
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

7 copies

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
प्रेषण / DESPATCH

10 FEB 1999

हैदराबाद न्यायपीठ  
HYDERABAD BENCH