

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.

- - -

Counsel for the Applicant .. 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 <sup>the</sup> the pension properly. The Accounts Department was also addressed by <sup>the</sup> EME Authority for <sup>furnishing the particulars of</sup> his service, etc, by letter No.

*[Handwritten signature]*

HTD/AO/CT/M/SR/96-97 dated -6-96 (A-8). In the meantime the applicant ~~has~~ 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</sup> 7 years 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 is <sup>stated</sup> 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>to</sup> the learned counsel for the applicant. He says this point has been brought out in his rejoinder. <sup>mt</sup> As <sup>rejoinder</sup> 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 :-

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

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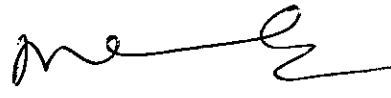
connection should be <sup>shown</sup> issued to the applicant during that meeting and on that basis the amount to be paid by the applicant for <sup>redetermination</sup> of pensionary benefits <sup>has</sup> to be decided.

(c) If no more money <sup>is</sup> 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 <sup>has no</sup> ~~should not have~~ <sup>grouse</sup> ~~any~~ <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 orders should be informed to the applicant by R-2 <sup>expeditiously</sup>. 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.

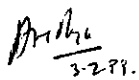
(f) Time for compliance is 2 months from the date of receipt of a copy of this order.

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 )

  
3-278

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15/2/99

Ist and IInd Court.

Copy to:

- 1. HDHND
- 2. HHRP M(A)
- 3. HGSJP M(J)
- 4. D.R. (A)
- 5. SPARE

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH:HYDERABAD.

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

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. NO : 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