

26

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

ORIGINAL APPLICATION NO. 1462/97

DATE OR ORDER : 08-07-1998.

Between :-

Mohammed Ali

... Applicant

And

1. The Chief Engineer,  
Head Quarters Southern Command,  
Engineer Shaka, Pune-411 001.
2. Controller of Central Defence  
Accounts (CCDA) (Pension),  
Ground XXXVI, Draupadi Ghat,  
Allahabad-211 014.

... Respondents

-- -- --

Counsel for the Applicant : Shri M. Pandu Ranga Rao

Counsel for the Respondents : Shri V. Rajeshwar Rao, CGSC

COR AM:

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

(Order per Hon'ble Shri R.Rangarajan, Member (A) ).

-- -- --

✓

... 2.

- 2 -

(Order per Hon'ble Shri R.Rangarajan, Member (A) ).

-- -- --

None for the applicant. Shri V.Rajeshwar Rao, learned standing counsel for the respondents.

2. The applicant in this OA is an Ex-Serviceman. He joined in the Indian Army on 15-4-1957 and discharged from Military Service on 6-8-1967. After discharge from Military Service, the applicant was appointed in M.E.S. as Storeman w.e.f. 12-3-1970 and he was made permanent in that grade with effect from 1-4-1988. The applicant exercised his option on 7-2-1995 for counting his past Military Service for civil pensionary benefits as per the office Memo dt.23-5-1994 of Department of Pension & Pensioners Welfare OM No.28/29/93-P&PW(B). The applicant retired from Military Engineering Service as Store Keeper Grade II from the office of AGE(I), Suryalanka on 30-9-1995. Thereafter the applicant made requests for counting of his former Military service for fixing his Civil Pension. In his application dt.19-4-96 addressed to Respondent No.1, the applicant had stated that he has not received either service gratuity or War Gratuity nor Military Pension, but Respondent No.2 issued impugned letter No.G1/C/Eng/MISC/SC XV dt.5-9-96 rejecting his case for counting his former Military Service for fixing Civil Pension. That order of CCDA (P), Allahabad was communicated to the applicant by letter No.1112/ALI/70/ELR dt.7-10-96 (Page-12 Annexure-2 to the OA).

3. This OA is filed to set aside the order dt.5-9-96 of respondent No.2 by holding the same as illegal and arbitrary and for

D

28

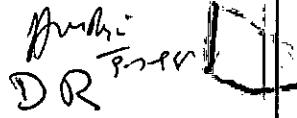
a consequential direction to respondents to count his former military service for fixing his civil pension and to re-fix the pension and family pension and to grant all other ~~retiral~~ benefits on that basis including the details in regard to family pension.

4. When the case was taken up for final hearing, Shri V.Rajeshwar Rao, learned standing counsel for the respondents produced a letter from Commander Works Engineer bearing No.11073/C/35/E18 dt.20-6-98 (this letter is taken on record). It has been stated in that letter that the former military/war service in respect of the applicant, SK-II has since been counted towards pensionary benefits and pension payment orders are under issue. In view of the above, the OA has become infructuous. However, the respondents' organisation should inform the applicant in regard to the details of fixation of pension/family pension and other retiral benefits within two months from the date of receipt of a copy of this order.

5. The O.A. is disposed of as having become infructuous. No costs.

  
(R.RANGARAJAN)  
Member (A)

Dated: 8th July, 1998  
Dictated in Open Court.

  
DR

av1/

## Copy to:

1. The Chief Engineer, Head Quarters, Southern Command, Engineer Shaka, Pune.
2. Controller of Central Defence Accounts (CCDA) (Pension), Ground XXXVI, Draupadi Ghat, Allahabad.
3. One copy to Mr. M. P. Panduranga Rao, Advocate, CAT, Hyderabad.
4. One copy to Mr. V. Rajeswara Rao, Addl. CGSC, CAT, Hyderabad.
5. One copy to D.R(A), CAT, Hyderabad.
6. One duplicate copy.

YLKR

8/7/98

6

II COURT

TYED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

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

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR  
M(J)

DATED: 8/7/98

ORDER/JUDGMENT

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

in  
C.A.NO. 1462/97

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

YLKR

