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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.23/99

DATE OF ORDER : 21.3.2000.

Between :-

Dr.P.Seetharami Reddy

...Applicant

And

1. Govt. of India, M/o Health & Family Welfare,
(Dept. of Health), rep. by under Secretary,
New Delhi.
 2. Welfare Commissioner, Labour Welfare Organisation,
Kendriya Sadan, Sultan Bazar, Hyderabad-500 195.
 3. The Accounts Officer, Pay & Accounts Office,
D.G.E.&T - II, CTI Compus, Chennai-32.
- ...Respondents

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Counsel for the applicant : Shri P.Krishna Reddy

Counsel for the Respondents : Shri B.N.Sarma, Sr.CGSC

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CORAM:

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

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

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

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... 2.

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

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Heard Mrs.Sarada for Sri P.Krishna Reddy, learned counsel for the applicant and Sri B.N.Sarma, learned standing counsel for the respondents.

2. The applicant in this OA ^{1,500} ~~is~~ retired as Chief Medical Officer of Central Government Health Scheme. His provisional pension was fixed by order dated 20-8-1993 (Annexure-I page-8 to the OA). The services of the applicant were regularized as Group-A Officer of CGHS with effect from 12-9-1975 and his pay was fixed with effect from 12.9.1975 in that grade. The service certificate dated 11.8.1992 (Annexure-III page-11 to the OA) was issued with the consultation of Pay & Accounts Officer, Madras, giving details in FORM 24 bearing No.5(170)/92. On the basis of that certificate the non qualifying service was arrived at 2 years 3 months and 45 days. The Accounts Officer by the impugned letter dated 17-10-1996 has modified the non-qualifying service as 3 years 3 months 4 days. Hence the pension of the applicant was reduced from Rs.2,401/- to Rs.2,286/- and the gratuity was reduced from Rs. 79,236/- to Rs.75,963/- . Accordingly commutation amount and family pension also revised and reduced.

3. Earlier the applicant filed OA 111/93 on the file of this Bench (Annexure-V page-15 to the OA) and that OA was disposed of giving liberty to the applicant to approach the concerned authorities for redressal of the above grievance as it was felt that the fixation of pension was not the relief prayed for in that OA. The applicant sent representation on 1-7-1997 (Annexure-VI page-17 to the OA) for restoration of the qualifying service as mentioned in the certificate dated 11.8.1992 by modifying the order dated 17.10.1996 (Annexure-IV page-12 to the OA) issued by the Pay & Accounts Officer. Another representation was made on 3.8.1997 repeating the earlier representation. It is stated that as no response was received to his earlier representation, he sent a detailed notice dated 14-2-1998 (Annexure-VIII page-20 to the OA) through his counsel. Even then no reply was received from Pay & Accounts Officer, Madras. But a letter No.5(170)/A-1/97





dated 16.7.1998 was issued by the Welfare Commissioner addressed to the Accounts Officer, Pay & Accounts Office, Chennai, (Annexure-IX page-23 to the OA), a copy of which is also marked to the applicant and his counsel intimating the Accounts Officer the authority under which the study leave was granted, thereby confirming non-qualifying service as 2 years 3 months 4 days as mentioned in the certificate dated 11.8.1992.


4. However the revision of pension order was issued by order dated 17.10.1996 (Annexure-IV page-12 to the OA).

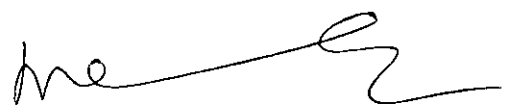
5. This OA is filed to set aside the impugned order dated 17.10.1996 wherein the non qualifying service was calculated as 3 years 3 months 4 days and for a consequential direction to the respondents to revise his pension and gratuity and commutation allowance and other consequential benefits.

6. In the reply also some details are given. At this junction ^{we} it is premature to pass any orders on the basis of the reply as the case is still pending with the Accounts Officer, as can be seen from letter dated 16-7-1998 (Annexure-IX to the OA). The applicant also submits that the remarks given in the letter enclosed as Annexure R-I dated 22.7.1993 (page-7 to the reply) is not in accordance with any rules and that was not intimated to him.

7. In view of the above appreciation of the case we feel that the applicant should now file a detail ^{ed} representation explaining his case to the Accounts Officer concerned. If such a representation is received by the Accounts Officer within a period of one months from the date of receipt of a copy of this judgement, then that Accounts Officer ^{shall} ~~should~~ hear the applicant in person and pass a suitable order within a period of 2 months from the date of receipt of the detail ^{ed} representation.

8. With the above direction the OA is disposed of. No order as to costs.


(B.S. JAIPARAMESHWAR)
21.3.00
MEMBER (J)


(R. RANGARAJAN)
MEMBER (A)

Avl/

Dated: 21st March, 2000.
Dictated in Open Court.

