

CENTRAL ADMINISTRATIVE TRIBUNAL

JABALPUR BENCH
(CIRCUIT AT INDORE)

O.A. NO.219/2005

This the 10th day of March, 2005.

HON'BLE SHRI V. K. MAJOTRA, VICE-CHAIRMAN (A)
HON'BLE SHRI A. S. SANGHVI, MEMBER (J)

Tilak Dhari Gupta,
244428 Ex. Sgt. AFSO II,
PPO No.S/7208/78,
R/O Village Ghatiya,
Distt. Ujjain.

... Applicant

(By Shri Subhash Sen, Advocate)

-Versus-

1. Union of India through S Principal Secretary, Ministry of Defence, Govt. of India, New Delhi.
2. Officer Commanding, Air Force Record Official (Pre 86 Pension Wing), Subreto Park, New Delhi.
3. Officer Incharge (Pre-86), Office of PCDA Pension, Draupadi Ghat, Allahabad (UP). ... Respondents

O R D E R (ORAL)

Hon'ble Shri V. K. Majotra, Vice-Chairman (A) :

Applicant is stated to have retired from service from the post of Sgt. Grade-II from the Air Force. Applicant seeks revision of his pension from 1.1.1986 and 1.1.1996 on the post of Sgt. in terms of the recommendations of the Fourth and Fifth Central Pay Commissions and consequential benefits of payment of arrears with interest.

2. It is discovered that the applicant had not been holding a civil post in the Air Force. As such, this Tribunal does not have jurisdiction over the dispute raised herein in terms of Section 14 (1) (b) (iii) of the Administrative Tribunals Act, 1985, which reads as follows:

"14. Jurisdiction, powers and authority of the Central Administrative Tribunal. -
(1) Save as otherwise expressly provided in this Act, the Central Administrative Tribunal shall exercise, on and from the appointed day, all the jurisdiction, powers and authority exercisable immediately before that day by all courts (except the Supreme Court) in relation to -

xxx xxx

(b) all service matters concerning -

xxx xxx

(iii) a civilian not being a member of an All-India Service or a person referred to in clause (c) appointed to any defence service or a post connected with defence;

and pertaining to the service of such member, person or civilian, in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or of any corporation or society owned or controlled by the Government;"

3. This O.A. as such, is dismissed for want of jurisdiction. It may be returned to the applicant for presentation before the appropriate forum. However, copy of this O.A. be retained for record in the Registry.

A. S. Sanghvi
(A. S. Sanghvi)
Member (J)

V. K. Majotra
(V. K. Majotra)
Vice-Chairman (A)

10.3.05

/as/

पृष्ठांकन सं. दो/ब्लॉक..... जवलपुर, मि.....
प्रतिलिपि द्वारा दिया गया.....
(1) सचिव, उद्योग समिति, जवलपुर
(2) आवेदक श्री/महिला/पुरुष..... के जवाबल
(3) प्रधार्यार्थी की/कीमती/पुरुष..... के जवाबल
(4) वांछिता, दो प्रभ. जवलपुर..... के जवाबल
सचिवा एवं आवश्यक जाकली द्वारा
..... १०/३/०५
उपर्युक्त संदर्भ

*Malleshwar, Advocate
Majotra*

*Issued
On 16/3/05*

O.A. 219 /05

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR, BENCH AT INDORE.

Tilak Dhari Gupta

-- Petitioner

Versus

Union of India & others

-- Respondents

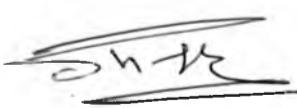
SYNOPSIS

That the Applicant is filing this Application for revision of his pension as per the recommendation of the IV and V pay commission. He is a retired Air Force Men of 1978 and getting the minimum pension inspite of the post of SGT Gr. II and revised as per Pay Commission's Report. Respondent No. 2 has sanctioned and directed to the Respondent No. 3 for immediately disposal of petitioner matter and payments of it as per his entitlement by letter dated 12th Feb. 2004 (Annexure A-9), but Respondent No. 3 has not decided the Applicant case as per direction of the respondent No. 2 and paying him only minimum pension. Therefore shis application for revision of his pension as per his entitlement and arrears with 18% interest on it.

Submitted by,

INDORE

Dated : 25-2-05


(Counsel for Petitioner)



Presented on 28/2/05
by Sbr. B4 Post
Plaintiff's Counsel
Tunc. A.C.W
Receptionist