

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No. 1020 of 2004

Jabalpur, this the 9th day of December, 2004

Hon'ble Shri Madan Mohan, Judicial Member

Chhotelal Rai, S/o. Late Tulasram Rai,
Aged 63 years, Ex-Civil Driver, Central
Ordnance Depot, Jabalpur, R/o. 266, Achhemiya
Ka Bada, Sitlamai, Jabalpur (MP). Applicant

(By Advocate – Shri Dinesh Upadhyay)

V e r s u s

1. Union of India, through Secretary,
Ministry of Defence, New Delhi.
2. Commandant, Central Ordnance Depot,
Jabalpur, M.P. Respondents

O R D E R (Oral)

By filing this Original Application the applicant has claimed the following main reliefs :

“(i) direct the respondents to count the applicant's past service in Military from 1961 to 1981 in the service rendered by the applicant under the respondent No. 2 for the purpose of retiral benefits and fixation of the pension from the date of his retirement i.e. 17.4.2002,

(ii) the respondents be further directed to pay to the applicant arrears of pension and gratuity on re-fixation of his pension and gratuity from the date of his retirement i.e. 17.4.2002 by counting his service in the Military.”

2. The brief facts of the case are that the applicant joined as Driver in the Military service in Army Ordnance Core, Secunderabad on 17.4.1961. After leaving the Military service the applicant joined the department of the respondent No. 2 as a Driver and served there up to 17.4.2002. After receiving the retiral dues and after fixation of his pension, he raised an objection before the respondents mentioning that his



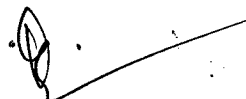
previous service with the Military has not been counted for calculation of his retiral dues, pension fixation etc. He has moved two representations Annexure A-2 and Annexure A-3 in this regard, but the respondents have not taken any decision so far.

3. Heard the learned counsel for the applicant.

4. The learned counsel for the applicant stated that the applicant would be satisfied, if he is directed to file a fresh representation to the respondents regarding his grievances and further the respondents be directed to decide the same within a stipulated period.

5. In the facts and circumstances of the case, I feel that ends of justice would be met, if the applicant is directed to file a fresh representation to the respondents with full details and documents, if any, in support of his grievances within a period of one month from the date of receipt of a copy of this order. I do so accordingly. If the applicant complies with this, then the respondents are directed to consider and decide the said representation of the applicant in accordance with rules, by passing a speaking, detailed and reasoned order within a period of three months from the date of receipt of such representation. The applicant is also directed to supply the copy of this order as well as the copy of the petition to the respondents immediately.

6. Accordingly, the Original Application stands disposed of at the admission stage itself.



(Madan Mohan)
Judicial Member

"SA" पृष्ठान्कन सं ओ/न्या.....जबलपुर, दि.....
प तिलिधि दिनांक :-

- (1) सचिव, उच्च न्यायालय एवं जलेश्वर, जबलपुर
- (2) आवेदक श्री/श्रीमती/श्री.....के काउंसल
- (3) प्रत्यर्थी श्री/श्रीमती/श्री.....के काउंसल
- (4) माध्यम, कोप्रजा, उच्च न्यायालय

सूचना एवं आवश्यक कार्यवाही हेतु

सहायक न्यायाधीश

Ornesh Yadav
Advocate
Jabalpur

Issued
On 9-12-04
BS