

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

C.P. No. 349/2015
O.A. No. 466/2012

New Delhi, this the 28th day of September, 2016.

**HON'BLE MR. P.K. BASU, MEMBER (A)
HON'BLE DR. BRAHM AVTAR AGRAWAL, MEMBER (J)**

Dharam Pal Dabas
S/o Shri Shobha Ram
R/o Village & Post Office: Ladpur
Delhi-110081. .. Applicant

(By Advocate : Shri Tenzing Thinlay Lepcha for Shri Anuj Aggarwal)

Versus

1. Shri P.K. Gupta,
The Commissioner (North)
North Delhi Municipal Corporation (NDMC),
Dr. S.P.M. Civic Centre
J.L. Nehru Marg, Minto Road
New Delhi-110002.
2. Dr. Puneet Kumar Goel,
The Commissioner (South)
South Delhi Municipal Corporation (SDMC),
Dr. S.P.M. Civic Centre
J.L. Nehru Marg, Minto Road
New Delhi-110002. .. Respondents

(By Advocate : Shri D.S. Mahendru)

ORDER (Oral)

By Hon'ble Mr. P.K. Basu

On the last date of hearing, i.e. on 24.08.2016, the respondents were directed to file an affidavit specifying clearly

whether the applicant's service period qualifies for pension and whether pension has been granted to him or not and, if not, why not. In fact, the order passed in the O.A. was as follows:

"(ii) to treat his service period for purposes of pension (unless the respondents have treated some period as break in service), and work out his pension but without counting this period for any salary payment, increment, promotion or other benefits."

2. The respondents have filed an affidavit dated 27.09.2016 in which they have explained in detail the reasons why pension cannot be granted to the applicant. Primarily, the reason is that the period of absence of the applicant for three durations have been treated as break in service by the respondents and as per rules, the total balance qualifying period of service was 8 years, 5 months and 11 days, which is less than 10 years and, therefore, he is not entitled for grant of pension.

3. Counsel for the applicant seeks one week's time to respond to the compliance affidavit filed by the respondents as it has been received by him only yesterday.

4. The question for our satisfaction was whether the respondents have complied with the order dated 26.11.2014 in O.A. No. 466/2012 or not. Clearly, the order has been complied with. Therefore, there is no point in continuing this Contempt Petition

and the same is accordingly closed. Notices are discharged. However, the applicant is at liberty, if he is still aggrieved, to file a fresh O.A., in accordance with law.

(Dr. Brahm Avtar Agrawal)
Member (J)

(P.K. Basu)
Member (A)

/Jyoti/