

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

O.A. No. 2514/2018

New Delhi, this the 10th day of July, 2018

HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MR. A.K. BISHNOI, MEMBER (A)

Abdul Gaffar
S/o Late Abdul Sattar
Aged about 68 years,
R/o H.No.13/1, Moh. Khirni, Abdullapur,
Parkshitgarh Road,
Meerut Cantt. UP.

.. Applicant

(By Advocate: Shri U. Srivastava)

Versus

1. Union of India through,
The Secretary,
M/o Defence,
New Delhi.
2. The Dy. Director General of Military Farms,
QMG's Branch, IHQ of MoD (Army),
West Block-III, R.K. Puram,
New Delh-6.
3. The OIC Records, Sainya Farm Abhilekh,
Military Farm Records,
Delhi Cantt.

.. Respondents

(By Advocate : Shri S.M. Zulfiqar Alam)

ORDER (ORAL)

By Mr. V. Ajay Kumar, Member (J)

Heard Shri U. Srivastava, the learned counsel for the applicant
and Shri S.M. Zulfiqar Alam, the learned counsel appeared on
behalf of the respondents on receipt of advance notice.

2. The applicant, a retired MHC-II from the respondents, filed the O.A. seeking the following relief(s):

- “(i) Directing the respondents to place the relevant records pertaining to the present OA before their Lordships for the proper adjudication in the matter in the interest of justice.
- (ii) Declaring the actions of the respondent No.2 not to considering and finalizing the request of the applicant for revision of pay including the retirement dues and pension also accordingly whereas it reveals from face of records that the same has been processed but there is nothing as illegal, unjust, arbitrary, malafide, unconstitutional, deliberate, biased, perverse against the principles of natural justice, violative of articles 14, 16 and 21 of the Constitution of India, discriminatory and against the mandatory provisions of law and thereafter.
- (iii) Directing the respondents to consider and finalize the request of the applicant for revision of pay including retirement dues and pension also which is still pending in the shape of appeal dated 24.07.2017 (Annexure A/2) within some stipulated period with all other consequential benefits namely the arrears of differences with interest.
- (iv) Allowing the OA of the applicant with cost etc.
- (v) Any other fit and proper relief may also be granted to the applicant.”

3. It is seen that the claim of the applicant was already rejected vide Annexure A/1 dated 21.06.2017 by giving certain reasons. The applicant instead of questioning the said order filed the O.A. contending that the representation made against the said order was not considered by the respondents for a long period.

4. Once an order is passed by the respondents rejecting the claim of a Govt. employee and no statutory appeal is preferred against the said order, the employee ought to have questioned the same, if he is

aggrieved. He cannot keep on making representations after representations, after every order of the respondents.

5. At this stage, the learned counsel for the applicant seeks leave of this Tribunal to withdraw the O.A. with liberty to question the order dated 21.06.2017.

6. In the circumstances, the O.A. is dismissed as withdrawn with liberty as aforesaid. No order as to costs.

(A.K. BISHNOI)
Member (A)

(V. AJAY KUMAR)
Member (J)

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