

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH**  
**CIRCUIT SITTINGS:GWALIOR**

**Original Application No.202/00447/2018**

Gwalior, this Monday, the 22<sup>nd</sup> day of October, 2018

**HON'BLE SHRI R. RAMANUJAM, ADMINISTRATIVE MEMBER**  
**HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER**

Mohd. Ismail S/o Late Shri Noor Mohammad,  
Age 67 years Occupation Pensioner  
retired as Compressor Attendant Pump (CAP)  
Military Farms (MoD) Gwalior (M.P.)  
Present resident of C/o Laxman Singh  
Bohra Pawan Sut Colony, Hurawali  
Tiraha Morar Gwalior PIN 474006 (M.P.)  
permanent r/o c/o 38B Nai Eedgah Kat  
Ghar Agra (U.P.) PIN 282001  
(By Advocate –**Shri S.S. Chouhan**)

**-Applicant**

**V e r s u s**

1. The Union of India Through the Secretary  
Ministry of Defence, New Delhi PIN 110001
  2. DDGMF (Deputy Director General Military Farms)  
Sena Bhawan, New Delhi PIN 110066
  3. Director Military Farms (Southern Command)  
Kirki Pune PIN 411003
  4. Officer-in-charge, Military Farms Gwalior 474006
  5. Controller Defence Account Ridge Road, Jabalpur 482001
  6. Principal Controller of Defence Accounts (Pensions)  
Draupadi Ghat Allahabad 211014
  7. Controller of Defence Accounts (Funds) Near Head Post  
Office Meerut Cantt 250001 U.P. India                      - **Respondents**
- (By Advocate –**Shri Akshay Jain**)

**O R D E R (ORAL)****By R. Ramanujam, AM:-**

Heard both sides. The applicant has filed this O.A. seeking the following reliefs:

*“8.1 This Hon’ble Tribunal may be pleased to direct the respondents to carry out proper fixation of pay with effect from grant of fitment that is 7-2-1983 with arrears and accordingly ensure payment of consequential benefits viz. leave encashment, retirement dues and pensioner benefits along with the interest and in facts mentioned above with penal interest from actual date of accrual, along with benefit of ACP and MACP accordingly.*

*8.2 The respondents be directed to reimburse the wrongly deducted amount of Rupees 31344/- from General Provident Fund.*

*8.3 The other relief or relief, order or orders, direction or directions which this Hon’ble Tribunal may deem fit and proper may kindly be issued in favor of the applicant.*

*8.4 Cost of the petition (application) be awarded.”*

2. It is submitted that the applicant had sought the relief on similar lines in O.A. No.289/2010 which was decided by this Tribunal by order dated 21.04.2010. The respondents were directed to pass a reasoned order on the grievance represented by the applicant therein. Thereafter, although the respondents passed an order, a copy thereof was not made available to the applicant. Accordingly, the applicant filed O.A. No.829/2013 which was disposed of by this Tribunal by Annexure A/13 order dated 21.03.2017 permitting the applicant to withdraw the O.A. with

liberty to challenge the order passed by the respondents by filing a separate petition and also claiming the relief granted by the Principal Bench in *Shri Ashok Kumar vs. Union of India and others* in O.A. No.703/2012 dated 07.08.2015. The respondents were directed to provide a copy of the order passed by them to the applicant. Accordingly, the respondents had made available to the applicant Annexure A/1 order dated 24.07.2013 which is being challenged in this O.A.

3. Learned counsel for the applicant would submit that since a similar grievance had been disposed of by the Principal Bench in O.A. No.703/2012 by Annexure A/11 order dated 07.08.2015, the impugned order dated 24.07.2013 ought to be reviewed by the authorities in terms of the said order of the Principal Bench.

4. Learned counsel for the respondents would submit that the respondents would not be averse to reviewing the impugned order in respect of the applicant if the order of the Principal Bench cited above had been complied with and if the case of the applicant was found to be similar. However, he would need to ascertain if the order had been challenged in a writ petition before the Hon'ble High Court of Delhi.

5. Keeping in view of the above submissions, we deem it appropriate to dispose of this O.A. with the following directions:-

“The competent authority shall review the disposal of the representation of the applicant by Annexure A/1 communication dated 24.07.2013 in terms of the order passed by the Principal Bench in O.A.703/2012 dated 07.08.2015, if he is similarly placed and subject to the final outcome of any writ petition filed by them there against in the Hon’ble Delhi High Court within a period of three (03) months from the date of receipt of a copy of this order or the date of final outcome thereof, whichever is later.”

**(Ramesh Singh Thakur)**  
**Judicial Member**

**(R. Ramanujam)**  
**Administrative Member**

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