

## **Central Administrative Tribunal Principal Bench**

**MA No. 3225/2019**

New Delhi this the 30<sup>th</sup> day of September, 2019

## **Hon'ble Ms. Nita Chowdhury, Member (A)**

Narender Kumar Bahalla,  
Aged 67 years, Group B,  
S/o Sh. Gian Chand Bhalla,  
R/o 70/21, Prem Nagar,  
Janak Puri, New Delhi-110058

- Applicant

(By Advocate: Mr.GS Charya)

## VERSUS

Indian Council of Medical Research,  
V Kumarawami Lingam Mark,  
Ansari Road, New Delhi-110029

## -Respondent

## **ORDER (Oral)**

The MA No. 3225/2019 is filed for condonation of delay in filing the OA in which the applicant has sought the following reliefs:-

- (a) direct the respondent to pay to the applicant monthly pension w.e.f. 31.05.2012 without rolling back the five additional increments granted to the applicant at the time of his initial appointment in the year 1986 including arrears of pension till date;
- (b) direct the respondent to refund the amount deducted from the leave salary and gratuity of the applicant and pay the above said benefit with interest @18% per annum from the date of the deduction till the actual payment is made;
- (c) pass any other or further order as this Hon'ble Tribunal may deem fit and proper in view of the above facts and circumstances of the case in favour of the applicant and against the respondent – Council.”

2. When the matter was taken up, counsel for the applicant stated that the applicant had retired from service in the year 2012 and vide order/letter dated 28.05.2012, the pay of the applicant was rolled back and refixed and the said decision is said to be illegal. Further, he contended that the respondent in this OA has also been referring the claim of the applicant of this OA to the relevant Secretary, Government of India and has been asking for the decision/clarity on the point of rolling back the pay of the applicant and hence, he has sought condonation of delay in filing the OA. However, this fact is not borne out from the perusal of the Annexure A/1, which clearly shows that same request had been replied to by the Indian Council of Medical Research on 28.05.2012 but this fact had been omitted from the COD and there is no description of the reason in the COD as to why he could not file the OA in 2012 and reason why he chose to file it after so much delay. Hence, we do not find any valid grounds stated in the application for COD in filing the OA at such a late stage and the same is accordingly dismissed.

3. Further, with regard to his reliefs sought in the OA, we find that the Indian Council of Medical Research had answered the reference to the office letter dated 17-18/5/2012 vide their communication dated 28.05.2012.

The applicant had not challenged this decision as intimated to him in any OA prior to the present one nor has he obtained any orders on the above cause of action. Hence, without first challenging his pay fixation orders and obtaining any reliefs on the orders passed by the ICMR vide their communication dated 28.05.2012, the prayers made in this OA cannot even be considered. Hence, the applicant is directed to first seek relief, if he is so inclined, with regard to the order dated 28.05.2012 passed by the ICMR about fixation of his pay and only thereafter can the matter of any refixation of pension as being requested in the OA be considered.

4. For the above reasons, the MA for condonation of delay in filing the OA is dismissed. Further, this OA could not be taken up for admission as he has not asked for the primary relief of setting aside the communication dated 28.05.2012 which, if granted, may result in re-opening the matter of his fixation of his pension.

5. Hence, the OA is dismissed at the admission stage itself for the reasons recorded above. No costs.

**(Nita Chowdhury)  
Member (A)**

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