

**Central Administrative Tribunal  
Madras Bench**

**OA/310/01048/2015**

**Dated Tuesday the 1<sup>st</sup> day of March Two Thousand Sixteen**

**P R E S E N T**

**Hon'ble Mr.R.Ramanujam, Member(A)**

Mr.Abraham Thomas  
S/o K.A.Thomas,  
'Thomas Villa' No.5, Govindasamy Street,  
Nanganallur, Chennai 600 114. .. Applicant

By Advocate **M/s.M.Kaushik Krishna**

**Vs.**

1. The Union of India, rep by  
The Chairman,  
Central Board of Excise & Customs,  
North Block, New Delhi 110002.
2. The Commissioner of Customs,  
Customs House, Navarangpura,  
Ahmedabad 380 009.
3. The Assistant Controller of Accounts,  
PAO (Collectrate of C&CE), 2<sup>nd</sup> Floor,  
Nav Gujarat College Building,  
Ashram Road, Ahmedabad 380 014.
4. The Civilian Staff Officer,  
The Adjutant General Branch,  
Army Headquarters, DHQ PO,  
New Delhi 110 011.
5. The Military Secretary Branch,  
Army Headquarters, DHQ PO,  
New Delhi 110011. .. Respondents

By Advocate **Mr.R.K.Sekina Reshma(R1-3)**

**ORDER**

(Pronounced by Hon'ble Mr.R.Ramanujam, Member(A))

The facts of the case according to the applicant are that he joined the Telecommunication Wing of Customs and Central Excise Department on 6.8.1977 and served in various capacities during over 27 years of service. He retired as Additional Director (Comns) in the year 2005. As per Rule 19 of CCS(Pension) Rules, 1972, the past service rendered by him in Military Service before Civil employment had to be counted for the purpose of pension. The applicant made a representation dated 9.12.2014 to the respondents to consider his case for counting the Military service rendered by him before Civil employment to enable him to earn full pension of 33 years. In order to avail the said benefit, he was prepared to refund the terminal gratuity sanctioned to him. However, the 5<sup>th</sup> respondent by letter dated 13.1.2015 stated that the matter had to be decided by the civil department under the whom the applicant was working and once they decide to count the military service rendered by the applicant, he could approach the offices of PCDA(O), Pune and PCDA(P) Allahabad for refund of gratuity received by him for the Army service. Aggrieved by the inaction of the respondents, this OA has been filed seeking a direction to the respondents to consider the representation of the applicant dated 09.12.2014 and pass orders.

2. The respondents have entered appearance but they have not filed the reply statement.

3. When the matter is taken up today, learned counsel for the applicant draws attention to the representation submitted by the applicant to the first, fourth and fifth respondents on which the reply from the first and fourth respondents is still pending. It is stated that the applicant would be satisfied if a direction is given to the respondents to take a decision on merits on his representation within a stipulated time limit.
4. Keeping in view the limited relief sought, I deem it appropriate to direct the respondents to consider the representation of the applicant dated 9.12.2014 and pass a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order. The applicant shall also be heard before a final decision is made by the respondents.
5. The OA is disposed in the above terms. No order as to costs.