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CENTRAL ADMINISTRATIVE TRIBUNAL

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CALCUTTA BENCH

No.O.A.350/00358/2016

Date of order : 17.11.2016

Present : Hon'ble Justice Mr. V.C. Gupta, Judicial Member  
Hon'ble Ms. Jaya Das Gupta, Administrative Member

PHOOL CHAND RAM

VS.

UNION OF INDIA & ORS.  
(POST)

For the applicant : Mr. A.K. Bairagi, counsel

For the respondents : Mr. S. Paul, counsel

ORDER

Per Justice V.C. Gupta, J.M.

The applicant has filed this O.A. under Section 19 of Administrative Tribunals Act, 1985 seeking the following reliefs:-

"a) To pass order and or direction upon the respondents to open the Service Book of the applicant, fix the seniority position and to pay the consequential service benefits which the applicant is legally entitled as per extant rules within the specified period;

b) To pass such other further order/or orders as your Lordships may deem fit and proper."

2. Heard Id. Counsel for the applicant and Id. Counsel for the respondents.

3. The service book of the applicant has been opened. The pay fixation has already been made which is admitted by the parties. The claim of GPF and seniority has no relation with the appointment and have a distinct cause of action. Admittedly, the applicant was not appointed before 2004.

Therefore, the applicant is not governed by the old pension scheme. therefore, deduction of GPF does not arise. Hence, direction for deduction of GPF cannot be issued. So far as the seniority is concerned, the



applicant may file a separate application by impleading the persons who will get affected by change of seniority position of the applicant.

4. With these observations, the O.A. is disposed of. ~~No cost~~

  
(J. Das Gupta)  
Administrative Member  
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(Justice V.C. Gupta)  
Judicial Member