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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**CP 360/2004 in
OA No.3093/2003**

New Delhi this the 11th day of April, 2005

**Hon'ble Shri V.K.Majotra, Vice Chairman (A)
Hon'ble Mrs. Meera Chhibber, Member (J)**

Vivek Chander Sharma,
R/0 DG 981, Sarojini Nagar,
New Delhi.

...Applicant

(By Advocate Shri Yogesh Sharma)

VERSUS

1. Smt.Khumud Bansal,
Secretary,
Department of Elementary Education and Literacy,
Ministry of HRD, Shastri Bhawan, New Delhi-1
2. Shri Satish Loomba,
Director,
Directorate of Adult Education,
Ministry of Human Resoruce Development,
Govt. of India, Block No. 10,
Jamnagar House, Shahjahan Road, New Delhi.
3. Dr.R.N.Salhan,
Medical Superintendent,
Safdarjang Hospital, Govt. of India,
New Delhi.
4. Dr.S.P.Aggarwal,
Director General of Health Services,
Govt. of India, Nirman Bhawan, New Delhi-11
5. Shri J.V.R.Prasada Rao,
Secretary,
Ministry of Health and Family Welfare,
Department of Health, Govt. of India,
Nirman Bhawan, New Delhi.
6. Shri C.Babu Rajeev,
Director General,
Archeological Survey of India (Headquarters),
GOI, Janpath, New Delhi-11

...Respondents

(By Advocate Shri T.C.Gupta for respondents 1-2)
(By Advocate Ms.Rekha Palli for respondent No. 6)



ORDER (ORAL)

(Hon'ble Shri V.K.Majotra, Vice Chairman (A))

Learned counsel heard.

2. OA 3093/2003 was decided vide order dated 29.12.2003 with the following observations/directions to the respondents:

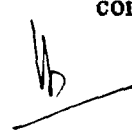
"It is directed that respondent No.3 would take necessary steps to complete the Service Book of the applicant and thereafter when the same is completed, it should be sent to respondent No.2 for deciding the controversy as to what benefit, if any, has to be granted to the applicant. Respondent No.3 should preferably complete the Service Book within four months of the receipt of the certified copy of the present order and after doing so, the respondent No.2 should be handed over the said service book. OA is disposed of".

Learned counsel of the applicant admitted that after issuing notice in the CP, respondents have now completed the Service Book in January, 2005. Applicant is still aggrieved that his pay was fixed wrongly and he has not been allowed commutation of pension. On the other hand, learned counsel for respondents 1-2, Shri T.C.Gupta, stated that applicant has yet not filed an application for commutation of pension and that his representation regarding wrong fixation of pay has been rejected by the Ministry of Health as they had declined request for revision of seniority.

3. On the other hand, counsel for applicant stated that applicant had already applied for commutation of pension although he has not been granted the same.

4. Learned counsel of the applicant has filed a copy of Directorate of Adult Education letter dated 28.1.2005 whereby the applicant's pension had already been fixed and communication of pension was also allowed. However, the same was not paid to him.

5. Learned counsel of the applicant may make an application for commutation of pension to respondents 1 and 2 within a period of 15 days and respondents may consider the same expeditiously and preferably within a period of two months from the date of communication of this order.



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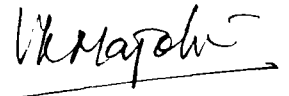
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6. In case, applicant is still aggrieved regarding wrong fixation of pay that will constitute a separate cause of action for which applicant can resort to appropriate legal remedies.

7. With the above observation, CP is dropped. Notices are discharged.



(Mrs. Meera Chhibber)
Member (J)



(V.K. Majotra)
Vice Chairman (A)

11.4.05

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