
(2020) 11 CAT CK 0011

In the Central Administrative Tribunal

Case No : Original Application No. 1709 Of 2020, Miscellaneous Application No. 1664, 2218 Of 2020

Naseem Ahmad

APPELLANT

Vs

Ministry of Defense & Others

RESPONDENT

Date of Decision : 03-11-2020

Acts Referred:

Citation : (2020) 11 CAT CK 0011

Hon'ble Judges : L. Narasimha Reddy, J; Mohd. Jamshed, Member (A)

Bench : Division Bench

Advocate : Vijay Kumar Sharma, Geetanjali Sharma

Final Decision : Dismissed/ Disposed Of

Judgement

L. Narasimha Reddy, J

MA No.1664/2020

1. This Application is filed with a prayer to condone the delay in filing the OA. The applicant claims the relief in the form of a

direction to the Ministry of Defence (MoD), Office of Principal Controller of Defence Accounts (Pensions) to grant him pension and other retiral

benefits with interest @ 18%.

2. When the MA was listed earlier for hearing on 12.10.2020, we pointed out that the extent of delay involved is not mentioned in

the MA. Except that an additional submission is made, the applicant did not indicate the delay in the MA. During the course of the arguments and on

persistent questioning, learned counsel for the applicant stated that the delay is nearly 35 years reckoned from 1985.

3. Initially the applicant was an employee of All India Radio.

Somewhere in the year 1972, he is said to have gone to MoD.

Thereafter, in the year 1985, he is said to have got an appointment in the Gas Authority of India Limited (GAIL). There, he retired from service in

year 1996. The applicant contends that the MoD is under obligation to pay him, the pension since his technical resignation was accepted by them in the

year 1985. Though the MA is silent, it is evident from the record that the delay involved is nearly 35 years, i.e., almost one generation.

4. We are aware of the fact that the right to receive pension by an employee constitute a continuous cause of action. At the same

time, the claim presented 35 years after the applicant left the organisation cannot at all be entertained, whatever be the latitude shown by the Courts

towards a retired employee.

5. In case the applicant was entitled to receive pension from the MoD, he ought to have pursued the matter as soon as it became

due. He was in service of GAIL for about ten years. Even during that time, the issue was required to be settled. He retired from service in 1996. 25

years thereafter, he started claiming pension from the MoD. Viewed from any angle, the claim cannot be considered at this stage. The only reason

furnished by the applicant for condonation of such a long delay is that he was posted outside Delhi. Even if that is true, nothing prevented him from

pursuing the remedy over the past 35 years.

6. We do not find any merit in the M.A. It is accordingly dismissed. As a result, the O.A. cannot be taken on file.

7. M.A. No.2218/2020 stands disposed of.

There shall be no order as to costs.