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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 650/2002

New Delhi, this day the 7th March, 2002

HON'BLE MR. S.A.T. RIZVI, MEMBER (A)

Kumar Indra Mansharamani,
D/o Late Sh. Mansharamani,
R/o Block No.4, Quarter No.19-B,
Double Storey, Moti Nagar,
New Delhi

... Applicant

(By Advocate : Shri Sunil Lalwani)

Versus

1. Union of India, through the
Secretary, Railway Board,
(Ministry of Railways),
Rail Bhawan, New Delhi

... Respondent

O R D E R (ORAL)

Heard the learned counsel.

2. Shri Arjun Mansharamani, Accounts Clerk in the Western Railway expired on 16.9.1984 while still in service. He left behind his widow, namely, Asha Mansharamani, a sister Miss Indira Mansharamani and his widowed mother. Out of them Smt. Asha Mansharamani first approached the respondents for a compassionate appointment in place of her late husband. This claim she gave up on 1.4.1987 in favour of Indira Mansharamani. The respondents duly considered the claim of Indira Mansharamani and offered an appointment on 17.7.1987. Instead of joining the post, she made a request for change in the place of posting. She wanted a post in Delhi. The respondents considered her request and finally agreed to give her a job in Delhi. She joined at Delhi on 27.7.1988. On 30.9.1997 she retired on reaching the age of superannuation. In the process she has served

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the Railways for a period of 9 years 2 months and 3 days only.

3. The applicant's case is that if she is given the benefit of appointment w.e.f. 17.7.1987 on which date the first offer was made to her, she would be deemed to have completed more than 10 years of service and in that view of the matter she is entitled for the grant of pension.

4. I have considered the submissions made by the learned counsel appearing on behalf of the applicant and the aforestated position and find that in terms of the rules in existence the requirement of completion of 10 years of service for grant of pension cannot be waived except in accordance with the rules on the subject. The applicant's claim for waiver of the aforesaid requirement is not covered by any exception sanctified by the rules. Accordingly, the respondents have correctly and properly rejected her claim for the grant of pension. The letter issued by the respondents dated 24.12.1997 rejecting her claim for pension is wholly in order and cannot be successfully challenged. The OA in the circumstances deserves to be dismissed.

5. In the light of the foregoing, the OA is dismissed in limini.

S.A.T. Rizvi

(S.A.T. RIZVI)
MEMBER (A)

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