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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. NO.2006/2002

New Delhi this the 31st day of July, 2002.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

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

Dr.S.M.Mukherjee
S/o Late Shri S.M.Mukherjee
R/o 50-120-8/1, Sivasadan
Seetammadhara North Extn.
Visakhapatnam-530013
Andhra Pradesh.

.... Applicant

(In person)

-versus-

1. University Grants Commission
Through its Secretary at
Bahadur Shah Jafar Marg
New Delhi-110002.
2. Shri O.P.Nigam
Financial Advisor
University Grants Commission
Bahadur Shah Jafar Marg
New Delhi-110002.

... Respondents

O R D E R (ORAL)

S.A.T.Rizvi:-

The applicant who was directly recruited as an Education Officer in the University Grants Commission (U.G.C) on 16.3.1985, and who stood retired from service on 30.6.2000 had come up before us in OA No.1982/2002 for the grant of benefit of extension by two years beyond the date of superannuation. We dealt with that matter and passed orders on 29.7.2002 directing the respondents to consider the applicant's

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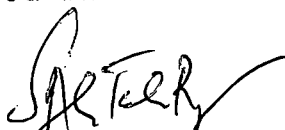
representation dated 12.11.1999 and to pass a reasoned and a speaking order thereon within a period of two months. The same applicant is before us again in the present OA seeking a different relief, namely, that of addition to the period of qualifying service for the purpose of pensionary benefits on the basis of Rule 30 of the Central Civil Service (Pension) Rules, 1972, (hereinafter referred to as "the Rules").

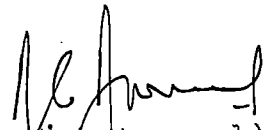
2. The applicant who has appeared before us in person argues that, though not the same benefit exactly, other benefits have been granted to some other functionaries of the U.G.C. with retrospective effect. On this basis, he seeks a direction from us to the respondents to grant the benefit of addition of certain number of years to his qualifying service for the purpose of grant of pensionary benefits, by amending the relevant recruitment rules retrospectively. He had made a representation in the matter to the respondent authority and a reply was also received by him in that regard on 8.11.1999 (Annexure A-2). We have perused the aforesaid letter as also Rule 30 of the Rules and find that the concession which has been sought by the applicant would have become admissible to him only if the relevant recruitment rules had contained a specific provision that the post held by him would carry the benefit of Rule 30 of the Rules. Admittely that is not so. The

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relevant recruitment rules do not contain any provision to the effect that Rule 30 of the Rules would be made applicable to the post held by the applicant. In this view of the matter, we find no substance in the claim made by the applicant.

There is no ground for issuing directions to the respondents to amend the relevant recruitment rules retrospectively with a view to grant the aforesaid benefit to the applicant. In the circumstances, the OA is found to be devoid of merit. The same is dismissed in limine.


(S.A.T. Rizvi)
Member (A)


(Ashok Agarwal)
Chairman

/sns/