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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. NO.2184/2002

New Delhi, this the 20th day of July, 2004

HON'BLE MR. SARWESHWAR JHA, MEMBER (A)

Shri Avtar Singh S/o Shri Karnail Singh,
R/o Vill. & P.O. Kotsukhia,
Tehsil & Distt. Faridkot (Pb)

... Applicant

(By Advocate : Shri Surender Singh)

Versus

1. The Commissioner of Police,
Police Headquarters, MSO Building,
New Delhi

2. The Dy. Commissioner of Police (Anti-
Corruption Branch)
Govt. of NCT of Delhi, Room No.178/184.
Old Secretariat, Delhi

3. Union of India,
Ministry of Home Affairs,
Govt. of India, New Delhi
through its Secretary

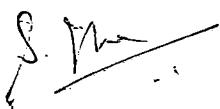
... Respondents

(By Advocate : Ms. Renu George)

O R D E R

Heard.

2. The applicant has impugned the letter of the respondents (Office of the Dy. Commissioner of Police, Special Branch, Delhi) dated the 20th March, 2002 whereby he has been informed that 'there is no provision in CCS (Pension) Rules, 1972 for the grant of pensionary benefits on account of resignation below the service of 20 years, whereas he has rendered only 11 years of service. Besides, Delhi Police is governed by CCS (Pension) Rules, 1972 instead of Punjab Civil Service Rules'. The applicant was initially employed as a Constable with respondent No.1 w.e.f. 15.9.1950 and that he resigned the post, after giving two months notice in accordance with rules and the



same was accepted on 31.10.1961. He has thus put-in 11 years, 1 month and 17 days of service with the respondents. His grievance is that he has not been paid the amount lying in his GPF account and also the other relevant dues. He has followed up the matter with the respondents (Delhi Police) from time to time. He has claimed that he is entitled to pension on the basis of minimum 10 years of service rendered by him. According to him, there is no distinction between resignation and voluntary retirement for pensionary purposes and that he is eligible for grant of pension even though he had resigned the post. While he submitted a number of representations to the respondents in the post and also made several visits to their organisation, these did not bear any favourable result for him. Finally, he received the impugned order and hence this OA.

3. The respondents have reiterated their position as conveyed vide the impugned order. While they have maintained that the applicant is not eligible for pensionary benefits on the basis of his 11 years of service, a sum of Rs.103/- on account of final payment of GPF had already been paid to him on 12.6.1962. They have also pleaded that the fact that the applicant resigned in the year 1961, i.e., about more than 41 years ago, he will have no right to claim such pensionary benefits after such a long gap. They have also taken the position that the applicant (ex-Constable) could have applied for grant of pensionary benefits when he had resigned in the year 1961 if there was a provision for the same. The relief sought

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by the applicant, therefore, according to them, is not maintainable.

4. The applicant in his rejoinder has submitted that the statements made by the respondents in different paragraphs are vehemently denied or, in his opinion, the same does not need any reply. He has reiterated that Punjab Civil Service Rules were applicable to him at the time of his resignation from their service. He has also maintained that the present OA is not time barred, as non-payment of pensionary benefit is a continuing cause of action and that it accrues to the applicant every month till the same is not paid. He has also denied that an amount of Rs.103/- has been paid to him on account of final payment of GPF.

5. On closer examination of the facts as submitted by both the sides, it is observed that the applicant has approached the respondents in the matter of pensionary benefits too late in the day. A gap of 41 years is too long to be explained under any of the rules as referred to by the applicant, the Punjab Civil Service Rules or the CCS (Pension) Rules, 1972. He resigned from the post of Constable in the year 1961 and the same was accepted on 31.10.1961. He had put-in only 11 years of service before he resigned from the post and, as such, according to the relevant provisions, he is not eligible for pensionary benefits, being a case of resignation before completing 20 years of service. He has, no doubt, argued that he is eligible for pension on the basis of minimum 10 years of service rendered by him. Perhaps, he has ignored the fact



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that he had resigned from the post. He has focussed on the point that there is no difference between resignation and voluntary retirement for pensionary purposes and that he is eligible for grant of pension even though he had resigned the post. No specific provision has been cited by him to support his case. It, no doubt, stands to reason that he would not have resigned if he had been aware of the fact that there was no difference between resignation and retirement in so far as pensionary benefits were concerned. It is also not clear as to why he remained quiet on the subject for more than four decades and why he did not apply for grant of pensionary benefits under CCS (Pension) Rules, 1972 while he was in service. With some of these questions remaining unanswered and open, I do not find much merit in his case.

6. Under these circumstances, I am left with no choice but to dismiss his case as devoid of any merit. No costs.


(SARWESHWAR JHA)
ADMINISTRATIVE MEMBER

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