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Central Administrative Tribunal  
Principal Bench

O.A. No. 967 of 1998

New Delhi, dated this the 14<sup>th</sup> December, 1998

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE MR. JASBIR SINGH DHALIWAL, MEMBER (J)

Shri O.N. Razdan,  
S/o late Pt. J.N. Razdan,  
R/o 14/30A, Kalkaji Extension,  
New Delhi-110019. .... Applicant

(By Advocate: Shri B.T. Kaul)

Versus

1. Union of India through  
the Secretary,  
Ministry of Defence,  
New Delhi.
2. The Controller General of Defence Accounts,  
West Block V,  
R.K. Puram, New Delhi-110066.
3. The Engineer-in-Chief,  
Army Headquarters, Ministry of Defence,  
Kashmir House,  
New Delhi-110011.
4. Union of India through  
the Secretary,  
Ministry of Personnel,  
Public Grievances & Pensions,  
North Block,  
New Delhi-110001. .... Respondents

(By Advocate: Shri V.S.R. Krishna)

O R D E R

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Heard both sides.

2. Applicant's challenge to Respondents' order dated 9.9.97 (Ann. A-1), rejecting his prayer for the benefits contained in the respondents' order dated 14.7.95 (Ann. A-2), fails because the benefits contained in the aforesaid order dated 14.7.95 are admissible only to those Central Govt. employees who retired or died on or after 1.4.95,

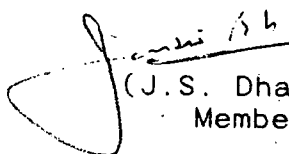
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while applicant by his own admission (Para 4.1 of O.A.) retired on the after noon of 31.3.95.

3. Shri Kaul has argued that applicant is to be treated in service on 31.3.95, and as he was brought on the pensionary rolls on 1.4.95, for all intents and purposes, his date of effective retirement was 1.4.95, Rule 5 & 83 CCS (Pension) Rules as well as relevant portions at pages 43 and 45 of Maxwell's Interpretation of Statutes, 12th Edition have been invoked in support of these contentions.

4. Nothing in the rules has been shown to us to establish that a Government servant can have an effective date of retirement, which <sup>is</sup> separate and distinct from the actual date of retirement. Applicant was brought onto the pensionary establishment w.e.f. 1.4.95 because, as per Rule 5(2) CCS (Pension) Rules, his date of retirement which was the preceding day i.e. 31.3.95 was treated as a working day.

5. In the light of the clear language of respondents' order dated 14.7.95 making the benefits therein admissible to those who <sup>did</sup> retired on or after 1.4.95, and applicant by his own admission having retired on 31.3.95, the O.A. warrants no interference. It is dismissed. No costs.

  
(J.S. Dhaliwal)  
Member (J)

/GK/

  
(S.R. Adige)  
Vice Chairman (A)