

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

O.A. No. 155 of 1997 Decided on: 10.3.98

Mrs. Raj Kumari Mehta Applicant(s)

(By Advocate: Shri B.B.Raval )

VERSUS

U.O.I. & Ors. Respondents

(By Advocate: Shri P.H.Ramchandani )

CORAM

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

1. To be referred to the Reporter or not? YES
2. Whether to be circulated to other Benches of the Tribunal? NO

*S.R. Adige*  
(S.R. ADIGE)  
VICE CHAIRMAN (A)

CENTRAL ADMINISTRATIVE TRIBUNAL  
Principal Bench

O.A. No. 155 of 1997  
M.A. No. 2285 of 1997,  
M.A. No. 95 of 1998

New Delhi, dated the 10-11 March 1998

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE Mrs. LAKSHMI SWAMINATHAN, MEMBER (J)

Raj Kumari Mehta,  
W/o Shri Ashok Kumar Mehta,  
R/o WZ-780-A,  
Tihar Village,  
New Delhi-110018. .... APPLICANT

(By Advocate: Shri B.B. Raval)

## VERSUS

1. Union of India through  
the Secretary,  
Ministry of Human Resources Development,  
Shastri Bhawan,  
New Delhi.
2. The Chairman,  
Central Social Welfare Board,  
Govt. of India,  
Samaj Kalyan Bhawan,  
B-12, Institutional Area,  
South of I.I.T.,  
New Delhi-110016.
3. The Secretary,  
Dept. of Personnel & Training,  
Govt. of India,  
North Block,  
New Delhi.
4. Smt. Rani Pande,  
U.D.C. (Now Assistant),  
Central Social Welfare Board,  
Samaj Kalyan Bhawan,  
B-12, Institutional Area,  
South of I.I.T.,  
New Delhi-110016.

(By Advocate: Shri P.H. Ramchandani)  
Shri Jay Savla for R-4)

Applicant impugns respondents' Memo dated 26.12.96 (Annexure A) rejecting her representation dated 26.9.96 and lawyer's notice dated 11.11.96 claiming seniority over Respondent No.4.

2. Admittedly applicant was appointed as L.D.C. on 1.12.77 while Respondent No.4 was appointed as L.D.C on 12.5.77. Appointment of R-4 was made on compassionate grounds by giving her age relaxation at the age of 16 years and four months. Applicant was promoted as U.D.C. on 22.7.83 while R-4 was promoted as such on 9.6.82 and as Assistant w.e.f. 18.1.96 while applicant is still U.D.C. In as many as four seniority lists circulated from time to time in 1981, 1985, 1988 and 1994 - Respondent No.4 was shown as senior to applicant, but the latter never raised any objection.

3. We have heard applicant's counsel Shri Raval, official respondents' counsel Shri Ramchandani and R-4's counsel Shri Savla. Shri Raval has also filed written submissions which are taken on record. Both during hearing as well as in written submissions Shri Raval has relied on Rule 13 Proviso (b) CCS (Pension) Rules in support of his contention that R-4's service before she attained the age of 18 years cannot be counted except for compensation gratuity.

4. Shri Ramchandani has correctly pointed out that Rule 13 (Supra) relates to commencement of qualifying service and the term qualifying service is itself defined in Rule 3 (q) CCS (Pension) Rules which means service rendered while on duty, or otherwise, which shall be taken into account for ~~the~~ purpose of pension and gratuities (emphasis supplied) admissible under these Rules. In other words Rule 13 Proviso (b) CCS (Pension) Rules cannot be taken out of context and used to ~~avail~~ <sup>ss</sup> R-4's seniority.

5. The O.A. together with M.A. No. 2285/97 and M.A. No. 95/98 <sup>are</sup> ~~is~~ dismissed. No costs.

*Lakshmi Swaminathan*  
(Mrs. LAKSHMI SWAMINATHAN)  
Member (J) Vice Chairman (A)

/GK/

*S.R. Adige*  
(S.R. ADIGE)