

(6)

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH
Original Application No.2272 of 2000

New Delhi, this the 11th day of May, 2001

HON'BLE MR.KULDIP SINGH, MEMBER(JUDL)

Shri Jaidev Prasad,
Deputy Legal Advisor,
CBI, SIC-II,
Block No.3, C.G.O.Complex,
Lodhi Road,
New Delhi. —APPLICANT
(By Advocate: Ms. Shanti Chaudhary proxy
counsel of Shri D.S.Chaudhary)

Versus

1. Union of India, through the Secretary,
Department of Personnel & Training,
Ministry of Personnel, Public Grievances
and Pension,
North Block,
New Delhi-110001.
2. Director,
Central Bureau of Investigation,
Block No.3, C.G.O. Complex,
Lodhi Road,
New Delhi-110003. —RESPONDENTS
(By Advocate: Shri N.K.Agarwal)

O. R D E R (ORAL)

By Hon'ble Mr.Kuldip Singh, Member(Judl)

This application has been filed by the applicant whereby the applicant is challenging Rule 30 of CCS(Pension) Rules, 1972 by which the applicant had been given benefit of five year service only. He states that the Rules should be relaxed to ten years to enable the applicant to get benefit of his pension/pensionary benefits.

2. The facts of the case are that the applicant who was an advocate in the State of Bihar and having experience of around 12 years in the legal profession, was appointed as Special Public Prosecutor by Respondent No.2. He retired on superannuation w.e.f.31.1.2001. Applicant's counsel states that according to Section 24(6) of Cr.P.C. aspiring advocate should have experience of not less than 10 years for becoming

kms

(K)

eligible to the post of Special Public Prosecutor, but according to the provisions of Rule 30 of CCS(Pension) Rules, 1972, the applicant is entitled to add 5 years to his actual qualifying service for the purposes of calculating pension at the time of his retirement on superannuation. The contention of the applicant is that he is entitled to benefit of ten years for qualifying service for pensionary benefits as a pre-condition for his appointment to the post to which he was appointed was that he should have not less than 10 years experience. Learned counsel has submitted that Punjab Superior Judicial Service Rules, 1963 of the Distt. Judicial Service, have already amended their Rules accordingly. However, it is admitted by the learned counsel that in the case of applicant with regard to procedure of appointment as Senior Public Prosecutor, there is no such Rules to get the benefit of 10 years towards his pension/pensionary benefits for the post of Senior Public Prosecutor.

3. In the absence of the Rules, I find that applicant is not entitled to get the benefit of 10 years towards his pension/pensionary benefits. OA has no merit and the same is dismissed. No costs.


(Kuldip Singh)
Member(J)

/kedar/