

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
* * *

O.A. NO. 2098/1989

30.04.1992

Shri S.M. Dugar

...Applicant

vs.

Union of India

...Respondent

Coram

Hon'ble Shri J.P. Sharma, Member (J)

For the Applicant

...None

For the Respondent

...None

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?

JUDGEMENT (ORAL)

(DELIVERED BY HON'BLE SHRI J.P. SHARMA, MEMBER (J))

The applicant was appointed as Technical Officer (Accounts) on 7.5.1958 and the essential qualification was professional, i.e., Membership of the Institute of Chartered Accountants of India. The applicant retired as Joint Secretary to the Government of India from the Department of Company Affairs on 31.7.1986. The applicant, has therefore, completed 28 years, 2 months and 24 days of service. The applicant has prayed for the benefit under Rule 30 of the CCS(Pension) Rules, 1972 which provided for addition to qualifying service in special circumstances. The respondents disallowed the same relief by the impugned order, which the applicant has assailed in this application.

2. The respondents contested the application and stated that the introduction of benefit of Rule 30 of the CCS (Pension) Rules, 1972 in the Recruitment Rules of specialised course under the Government is to give same benefit by way of added years of service to those persons who enter Government service beyond the age of normal age due to the fact that they have to acquire the specified essential qualifications required for the post. The applicant has already been benefitted of the past service rendered by him before induction into CCLS treated as qualifying service for pension. As such, the benefit of added years of service under Rule 30 of CCS (Pension) Rules was not given to the applicant. Thus though none appeared from either side, from the pleadings it is clear that the Central Company Law Service was constituted on 1.1.1967 by encadring a number of individual posts which were available in the Deptt. of Company Affairs and its various ^e filed offices. Such posts were included at various levels of CCLS. Rule 15(A) of the CCLS Rules was introduced into the rules in 1978. Thus the applicant, who entered the service on 7.5.1958 as Technical Officer (Accounts) in the Special Police Establishment will not be given the benefit of Rule 30 of the CCS (Pension) Rules. The minimum qualification required at the lowest rung

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of this service is the acquisition of qualification of Chartered Accountancy/Company Secretaryship/Costs and ~~Birth~~ ^{works} Accountancy and the age limit is 30 years. Thus the applicant was not eligible for the same. He had already been given the benefit of counting of more than one and a half years' service rendered prior to joining this department and of counting of about 8 years of service rendered in this department before the constitution of CCLS, qualifying service for pension.

3. Thus in view of the above facts, I find that the present application has no merit and, is therefore, dismissed on the basis of the pleadings on record with costs on parties.

J. P. Sharma
(J. P. SHARMA)
MEMBER (J)
30.04.1992

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