

(4)

Central Administrative Tribunal
Principal Bench: New Delhi

OA No.1014/89

New Delhi this the 8th Day of March, 1994.

Shri N.V. Krishnan, Vice-Chairman (A)
Shri B.S. Hegde, Member (J)

1. Dr. G.S. Sandhu, son of
Sh. Sujan Singh Sandhu,
r/o A-1/280, Janakpuri,
New Delhi.
2. Dr. M.C. Chakraborty, son of
late Sh. R.C. Chakraborty,
r/o I-1760, Chittaranjan Park,
New Delhi.
3. Dr. M. Mozumdar, son of
late Sh. P.C. Mozumdar,
r/o J-1873, Chittaranjan Park,
New Delhi.
4. Dr. S.C. Chakravorty, son of
late Sh. P.C. Chakravorty,
r/o H-1494, Chittaranjan Park,
New Delhi.

...Applicants

(By Advocate Shri V.P. Gupta, though none appeared)

Versus

1. The Director General,
E.S.I. Corporation,
4, Kotla Road,
New Delhi.
2. Union of India, through
The Secretary, Ministry of
Health & Public Welfare,
Nirman Bhawan,
New Delhi.

...Respondents

(By Advocate Shri D.P. Malhotra, though none appeared)

ORDER(Oral)

(Mr. N.V. Krishnan)

This case is listed for peremptory disposal at serial No.8. Hence orders passed after perusal of the record.

2. The applicants are Medical Officers under the Delhi Administration and were placed in the Employees State Insurance Corporation (ESIC), i.e., respondent No.1

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3. They have filed this OA for a direction to the respondents to allow them the benefit of additional qualifying service under Rule 30 of the Central Civil Services (Pension) Rules, 1972 and to revise the pension of applicants 1 and 2 after giving them the benefit of the aforesaid rule.

4. The applicants have filed a copy of the letter dated 15.1.88, addressed by the first respondent i.e., Director General E.S.I.C. to the second respondent, i.e., Secretary, Ministry of Health and Family Welfare in which a clarification has been sought whether Dr. G.S. Sandhu, the first applicant is entitled to the addition of qualifying service under Rule 30 of the C.C.S. (Pension) Rules.

5. In the first instance, the first respondent filed the reply stating that the clarification of the Government of India had not been received. However, in the supplementary reply it is stated that the Government of India has clarified by the letter dated 23.8.89 (Annexure R) as follows:-

"From the advertisement as is available at pages 35-36 of the petition, it would be seen that the post of Civil Assistant Surgeon Grade-I to which Dr. Sandhu was appointed did not prescribe Post-graduation qualification as essential qualification. As such it can safely be presumed that the benefit of Rule 30 cannot be made applicable to Dr. Sandhu. CHS Rules, 1966 also did not confer the benefit to General Duty Officers who were inducted in Central Health Service and Dr. Sandhu belonged to General Duty Sub-cadre."

6. We notice that Rule 30 of the CCS (Pension) Rules permits the addition to qualifying service

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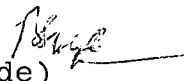
in the following circumstances:-

"(1) A Government servant who retires from a service or post after the 31st March, 1960, shall be eligible to add to his service qualifying service for superannuation pension (but not for any other class of pension) the actual period not exceeding one-fourth of the length of his service or the actual period by which his age at the time of recruitment exceeded twenty-five years or a period of five years, whichever is less, if the service or post to which the Government servant is appointed is one--


(a) for which post-graduate research, or specialist qualification or experience in scientific, technological or professional fields, is essential; and

(b) to which candidates of more than twenty-five years of age are normally recruited:"

7. In view of the reply at Annexure R that the post of Civil Surgeon Grade-I did not require Post Graduation as an essential qualification, the benefit of Rule 30 cannot be made applicable to Dr. Sandhu or any other applicants. In the circumstances, we find no merit in this OA and it is dismissed. No costs.


(B.S. Hegde)
Member(J)

Sanju.


8.3.84
(N.V. Krishnan)
Vice-Chairman