

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No.1021/2020

Today this the 14th day of October, 2020

Through video conferencing

**Hon'ble Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Dr Sunil Kumar Verma

...Applicant

(By Advocate : Mr. M. K. Bhardwaj)

Versus

All India Institute Of
Medical Sciences

...Respondents

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



Order (Oral)



Justice L. Narasimha Reddy, Chairman

The applicant worked in various projects of the All India Institute of Medical Sciences. He was absorbed against the permanent posts in a specific post on 05.12.2008. He attained the age of superannuation in the year 2014. He went on making claims for sanction of pension. At one stage, he filed OA. 2446/2017 before this Tribunal. The OA was disposed of directing the respondents to pass orders on the representation made by the applicant. In compliance of the same the respondents passed orders on 28.08.2019 informing the applicant that the old pension scheme was inforce upto 01.01.2004 and unless he held any post carrying the entitlement of pension upto that date, he cannot be extended that benefit. Reliance was placed upon the order dated 20.07.2005 issued by the DOPT in this behalf. This OA is filed challenging the Order dated 28.08.2019.

2. The applicant contends that his service in various capacities ever since 1987 was in different projects of AIIMS and there was hardly any discontinuance. He further contends that the administration of the AIMS itself has decided in the year 2003 to



count his service in the other projects also for the purpose of pension.

3. We heard Sh.M.K.Bhardwaj, learned counsel for the applicant and Sh.V.S.R.Krishna, learned counsel for the respondents.

4. It hardly needs any mention that an employee can get pension if only it is provided for in the relevant rules. The old pension scheme were in force upto 31.12.2003. From 01.01.2004 onwards new scheme has come into existence which is not so beneficial to the employees compared to the old one.

5. The applicant no doubt was engaged in Research Projects, one after the other, since 01.04.1987. It was only on 05.12.2008 that he was absorbed in the regular service of the Institute. In the context of payment of pension, the question as to whether the applicant was in the pensionable service as on 31.12.2003 became relevant.

6. Notwithstanding the fact that the applicant was absorbed only on 05.12.2008, in case he held the pensionable post as on 31.12.2003, he was certainly entitled to count the service for the purpose of pension. Except making a claim that the post was in



the Institute itself, the applicant was not able to cite the cadre post against which he worked.

7. Quite large amount of uncertainty prevailed in the context of extending the benefit of pension for the employees who came to be appointed or absorbed after 01.01.2004. Dealing with that the qualification issued a clarification on 27.06.2005 it was mentioned that it was only the employee held the post on 31.12.2003 that his past service can be counted for the purpose of pension in case he continued beyond 01.01.2004. In the instant case the applicant is not able to show us that the various posts held by him are pensionable. On the other hand the respondents are made it abundantly clear that the engagement of the applicant was in different projects and his salary has been paid from the grants. The mere fact that the applicant was assigned a GPF account number wrongly, does not entitle him to count his service before 01.01.2004.

8. We find no merit in this OA and the same is accordingly dismissed. There shall be no order as to costs.

(Aradhana Johri)
Member (Admn.)

(Justice L.Narasimha Reddy)
Chairman