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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

REGN.NO. O.A. 1214/87.

DATE OF DECISION: 1.1.1993.

K.C. Kapur.

..Petitioner.

Versus

Union of India & Ors.

..Respondents.

CORAM:

THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN,
THE HON'BLE MR. I.K. RASGOTRA, MEMBER(A).

For the Petitioner.

..None.

For the Respondents.

..Shri K.C. Mittal,
Counsel.


JUDGEMENT (ORAL)

(By Hon'ble Mr. Justice V.S. Malimath, Chairman)

The claim of the petitioner is that his pension and retirement benefits should be recomputed and benefit accorded by taking into consideration the previous service which he has rendered to the Delhi Transport Corporation and the Oil and Natural Gas Commission. The petitioner had served in the Delhi Transport Corporation from 7.5.1953 to 19.11.1963. He resigned from the said Corporation on his own volition. He thereafter joined the Oil and Natural Gas Commission on 26.11.1963 and resigned from that service on 23.7.1964. He thereafter served in a private concern M/s Allied Motor (Pvt.) Ltd from 14.8.1964 to 29.12.1966. It is after serving in the said private concern that the petitioner joined the Delhi Milk Scheme which is an ^{attached} office of the Ministry of Agriculture. The employees of the Delhi Milk Scheme are Central Govt. employees and are subject to rules and regulations applicable to the Central Government employees. So far as their pension is concerned, they are governed by the Civil Service (Pension) Rules, 1972. His pension has been sanctioned on the basis of the said rules consequent upon his retirement by taking into account only the service rendered by him in the Delhi Milk Scheme. The petitioner maintains that the service rendered by him under the Delhi Transport Corporation and the Oil and Natural Gas Commission should also be taken into account for the purpose of computing of his

pension. For this purpose, he relies on the order of the Government bearing No. O.M. No. F.3(15)EV(A)/76 dated 3.12.1977, copy of the same has been produced by the petitioner along with his Original Application. A bare perusal of the same makes it clear that it is applicable only to those who had served in autonomous Govt. undertakings who were later on absorbed in Central Government service. It has no application to a situation like this where there is no transfer of the autonomous undertaking. The service rendered by the petitioner under the Delhi Transport Corporation and the Oil and Natural Gas Commission cannot on the plain language of the order of the Government, referred to above, apply to the facts of this case. As the entire claim of the petitioner is ^{based} on the order referred to above and as we have found that that is not applicable to the petitioner's case, this petition has to fail.

2. For the reasons stated above, this petition fails and is dismissed. No costs.


(I.K. RASGOTRA)
MEMBER(A)


(V.S. MALIMATH)
CHAIRMAN

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