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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.No.2237/90

NEW DELHI THIS THE 4th DAY OF JANUARY, 1995.

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

HON'BLE SHRI B.K. SINGH, MEMBER(A)

Mrs G. Ambika,
C-518, Pragati Vihar,
New Delhi-110 003.

....Applicant

(By Advocate : Shri Hari Shankar)

VERSUS

1. Union of India, through
The Secretary,
Ministry of Welfare,
Department of Women &
Child Development
Shastri Bhavan,
NEW DELHI.

2. The Secretary,
Department of Personnel,
Public Grievances and Pensions,
North Block,
NEW DELHI.

....Respondents

(By Advocate : None)

JUDGEMENT (ORAL)

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

The applicant retired from the post of Research Officer but the date of retirement is not averred in the application, but in the Verification Clause of 30th September, 1990 she has given her age as 58 years. In this application the applicant has prayed that the O.M. dated 29.8.1990 issued by the Section Officer of the Ministry of Welfare, Department of Women and Child Development, on the representation

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dated 22.06.90 of the applicant that the grant of benefit of addition to her qualifying service can be given under Rule 30 of the CCS (Pension) Rules, 1972.

2. The respondents on notice filed the reply and stated that the essential qualifications for the post of Health Educator is only Bachelor's degree with Social Sciences as one of the subjects. The benefit of Rule 30 can only be given in those posts where essential educational qualification is Postgraduate Research or Specialist qualification or experience in Scientific, Technological or Professional fields. In view of this, it is stated that the application is misconceived in as much as Rule 30 (i) (a) clearly states that if the service or post to which government servant is appointed is one for which postgraduate research or specialist qualification or experience in Scientific, Technological or professional fields is essential, then only said benefit could be given. In the present case the essential qualifications prescribed for the post of Health Educator is Bachelor's degree with Social Sciences as one of the subjects or degree in Education or Nursing or Journalism from a recognised

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University or equivalent qualification;
(ii) Training in Health Education/Social Education/
Mass Communication/Audio Visual Education/Public
Relations; and thirdly (iii) about 5 years'
practical experience in educational aspects
or family planning and/or in training and/or
research in a public health programme;

It goes to show that a person with degree with
5 year's experience in Health/Mass-communication
etc. with training in Health Education could
have been appointed to the post of Health Educator.
Thus according to the respondents the applicant
is not entitled to this benefit.

3. The applicant has also filed rejoinder
reiterating the same facts as given out in the
Original Application.

4. We heard Shri Hari Shankar, counsel for
the applicant and none is present on behalf
of the respondents but we are aided by the counter
filed by the respondents and deciding the case
on the basis of the reply filed by respondents.

5. The first contention of the learned
Counsel is that the Second provisio to rule-

30 Clause I "further provided that this concession shall be admissible to the recruitment rules in respect of said services or posts contain a specific provisions that the service or post is one which carries the benefit of this rule, is ultra vires because the spirit of the main rule does not touch this aspect."

6. The next contention of the learned counsel is that the Government of India O.M. dated 16th April, 1975 has laid down certain guidelines and the respondents have not got amended the Recruitment Rules for the post is not acceded to by us because as per above O.M. and O.M. 21.2.77 (Annexure A-III) the applicant did not fulfil the requirements as referred to in Clauses (a) and (b) of Rule 30 of CCS (Pension) Rules, 1972. As the essential qualifications for the post of Health Educator is only Bachelors degree with Social Science as one of the subjects, the need to amend the Recruitment Rules for the post did not arise, nor the applicant has prayed for declaring the proviso to rule 30 quoted above as ultra vires.

7. On merit we find that the applicant entered as Health Educator and retired as Research Officer. Basically, the benefit is to be given at the point of entry into the service and if person by ^{lapse} ~~lapse~~ of time is promoted to the higher post, even though we do not accept the contention


that the applicant was entitled to enhance the qualifying service, yet we do observe that from the post of Research Officer she retired does not carry any such higher qualification which may entitle the applicant the benefit of rule 30 of the CCS (Pension) Rule, 1972.

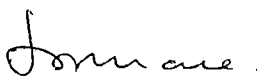
8. The applicant appears to aspire for this extra-addition to her qualifying service because she joined late in the year 1965 but for this she herself is to be blamed. The recruitment to the service as given in the Recruitment Rules is that the person should not be beyond 35 years of age. There is no minimum age prescribed. The qualifications as well as desirable and essential qualifications do not bring the case of the applicant within the ambit and scope of Rule 30 of the CCS (Pension) Rules, 1972. The learned counsel further contended that the rule further provide no date of entry into the service and only lays down that where normal recruitment process is at the age of 25 years or more and so it is argued that the present case does not debar those person who are recruited earlier in their age as Health Educator.

9. While the judgement was come to an end learned counsel for the applicant raised further

point that the educational qualification of the applicant coupled with the experience brings the applicant within the scope of Rule 30 (i) and further said that the respondents in their counter have only stated that the qualification for the post is only B.Sc while the recruitment rules provide even postgraduate degree or experience in the alternative. We have considered these aspects. We find that the case of the applicant is not covered for grant of additional benefit of qualifying service under Rule 30.

10. In view of the above facts and circumstances of the case, the impugned order, therefore, does not call for any interference by us and the application is devoid of merit and is dismissed, leaving the parties to bear their own costs.


(B.K. SINGH)
MEMBER (A)


(J.P. SHARMA)
MEMBER (J)

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