

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No.OA 1007/1990

Date of decision:04.08.1992.

Shri S. Bachan Singh

...Applicant

Versus

Union of India & Another

...Respondents

For the Applicant

...Sh. M.R. Bhardwaj,
Counsel

For the Respondents

...None

Coram:

The Hon'ble Mr. P.K. Kartha, Vice Chairman(J)

The Hon'ble Mr. B.N. Dhoundiyal, Administrative Member

1. Whether Reporters of local papers may be
allowed to see the Judgment? *Yes*

2. To be referred to the Reporters or not? *No*

Judgment(Oral)

(of the Bench delivered by Hon'ble Shri P.K. Kartha,
Vice Chairman(J))


We have heard the learned counsel for the applicant. None present for the respondents. They have also not filed their counter-affidavit. The applicant has retired from the post of Junior Youth Officer, National Service Commission Scheme under the Department of Education and Social Welfare, Ministry of Human Resource Development on attaining the age of superannuation on 29.02.1976. He had completed 20 years of service in the office of the respondents. He had not been made permanent but he was declared quasi-permanent.

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The learned counsel for the applicant has drawn our attention to the OM dated 30.12.1980 issued by the Department of Personnel & Administrative Reforms, according to which, even a Government servant who has put in 20 years of service is eligible for proportionate pension {Vide Government of India Decision No.2 reproduced in CCS(Pension) Rules - Swamy's Pension Compilation by P. Muthuswamy 11th Edition, pages 2 and 3}.

The learned counsel for the applicant also draws our attention to the order of the Supreme Court in Writ Petition No.1584/1986 filed by a colleague of the applicant (Bal Kishan Malik Vs. U.O.I.). By judgment dated 13.2.1989, the Supreme Court after hearing the learned counsel for both parties directed that the applicant shall be granted pension as he has completed 20 years of service.

After hearing the learned counsel for the applicant and going through the records of the case carefully, we are of the opinion that the applicant is entitled to the same relief as granted to Shri Bal Kishan Malik. Accordingly, the application is disposed of with the direction to the respondents to release the proportionate pension, gratuity and other retirement benefits with effect from 13.12.1980 on which date the Department of Personnel and Administrative Reforms issued their OM No.38(16)-Pension Unit/80. The respondents

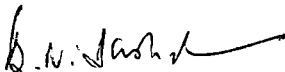



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3.

shall comply with the above directions as expeditiously as possible and preferably within a period of 3 months from the date of receipt of this order.

There will be no order as to costs.

Let a copy of this order be given to the learned counsel of both parties immediately.


(B.N. DHOUNDIYAL)
MEMBER(A)
04.08.1992


(P.K. KARTHA)
VICE CHAIRMAN(J)
04.08.1992

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