

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI.

O.A.No.646/91

Date of decision 22.1.93

Sh. M.C.Sharma

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Applicant

V/s

U.O.I. & Others

Respondents

For the Applicant

....

Sh.B.B.Srivastava, counsel

For the Respondents

....

Sh.R.S.Aggarwal, counsel

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The Hon'ble Member Sh.I.P.Gupta, Member(A))

JUDGEMENT (ORAL)

In this application filed under Section, 19 of the Administrative Tribunal Act, 1985, the applicant has prayed for counting one fourth of length of his earlier service for the purpose of pension only (wef 9-7-59 to 16-2-69). The counsel for the applicant contends that he is eligible for the addition of qualifying service in terms of Rule 30 of the CCS (Pension Rule), 1972. The ld. counsel for the respondents countered the arguments and said that the post from which the applicant had retired and to which he had been appointed did not

prescribe for specialist qualification or experience of post graduate Research or experience in scientific, technological or professional fields. The post of I.T.O. did not require any Scientific or technological qualifications and, therefore, the applicant is not eligible in terms of Rule 30.

2. The Bench has perused the UPSC's advertisement dated 23.10.1965 among the essential qualifications was the mention of 5 year experience in educational institutions of the status of a Degree College. Since the advertisement provides for experience of five years in an educational institution of the status of a degree college, this qualification in the facts and circumstances of this particular case would seem to come under the purview of experience under professional field, as mentioned in rule 30 of the CCS(Pension) Rules.

3. In the conspectus of the aforesaid facts and arguments and keeping in view the particulars of the case, it is directed that the applicant may be given the benefits of added qualifying service for the purpose of computation of qualifying service for superannuation pension only. In terms of Rule 30 of the CCS (Pension) Rules, the pension of the applicant may be re-calculated on this basis and arrears, as admissible, after such re-calculation should also be paid. The counsel for the applicant has also requested

for payment of interest. In the facts and circumstances of the case, the Bench is not inclined to grant any interest. Re-calculation of payment of pension should be done and arrears paid within three months from the date of this order.

4. With the above observations, the U.A. is disposed of.

I.P. Gupta
Member (A)