

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

15

O.A. No. 1076/91.  
TAX No.

199

DATE OF DECISION 7/11/91

AMIR SINGH

Petitioner APPLICANT

MRS. SNEH LATA GUPTA

Advocate for the Petitioner(s)

Versus

APPLICANT

UNION OF INDIA &amp; OTHERS

Respondent(s)

NONE

Advocate for the Respondent(s)

## CORAM

The Hon'ble Mr. JUSTICE RAM PAL SINGH, VICE CHAIRMAN

The Hon'ble Mr. I.P. GUPTA, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

JUDGEMENT

(Delivered by Hon'ble Mr. I.P.  
Gupta, Administrative Member)

In this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant served in the National Discipline Scheme as a Service Instructor from 1st November, 1954 to 25th September, 1976. During the period, the applicant served at different places. He worked also as P.T.I. (NFC) Senior Grade II.

2. The applicant has requested that the respondents be directed to grant him pension as he has completed twenty years of service and is entitled to pensionary benefits.

3. The learned counsel for the applicant drew our attention to the orders of the Hon'ble Supreme Court in the case of Bal Kishan Malik Vs. Union of India (Annexure 'A') wherein the Hon'ble Supreme Court ordered that "as the

(7)

he pensioner has completed twenty years service, / is entitled to pensionary benefits. It is, therefore, directed that he shall be granted pension".

4. The applicant has made several representations to the appropriate authorities but no orders regarding pension has been passed yet.

5. It is seen from Annexure B-1 that the applicant has been granted gratuity vide Order dated 10-10-1990.

6. The learned counsel for the applicant argued that service was pensionable and in case of similar employees under the National Discipline Scheme, persons have been granted pension by the Government.

7. As regards the delay in filing the petition, the learned counsel for the applicant has submitted an application for condonation of delay and argued that pension was a continuing right and the question of limitation did not arise.

8. This is a fit case for condonation of delay under Section 21(3) of the Administrative Tribunals Act, for advancing <sup>in a matter</sup> substantial justice which is inherited by the employees. This

<sup>where</sup>  
it was  
observed that  
pensionary rights  
given to the  
pensioners are  
fundamental  
rights and are  
arising out of  
employment and  
its condition  
xxx which is  
to be fulfilled  
(SLR 1986(9)  
678).

9. The respondents have not filed any counter in this

case though sufficient time was granted. The right to file counter was, therefore, forfeited.

10. In the conspectus of the above view in the matter in this particular case, we direct the respondents to allow pension to the applicant in case employees under National Discipline

Scheme are entitled to pension and in case the applicant has completed more than twenty years of service as brought out in the application.

*I.P.Gupta*  
(I.P.GUPTA) 7/11/91  
MEMBER (A)

/PKK/

*Ram Pal Singh*  
(RAM PAL SINGH)  
VICE CHAIRMAN