

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA 2576/2004  
MA 2165/2004

New Delhi, this the 1<sup>st</sup> day of November, 2004

Hon'ble Sh. Sarweshwar Jha, Member (A)

Atam Dev Arora  
R/o BK-II-35, Shalimar Bagh  
Delhi.

(By Advocate Sh. S.K.Gupta proxy for Sh. Jog Singh)

...Applicant

V E R S U S

1. Union of India : through  
Secretary, Ministry of Defence,  
New Delhi.
2. The Chief Engineer  
H.Q. Central Command  
Lucknow.

...Respondents

O R D E R (ORAL)

Learned proxy counsel for the applicant has submitted that his request for grant of pro-rata pension for the service that he had rendered to the Government before he joined the ONGC, has not been considered by the respondents only for the reason that he had not rendered the said service as a permanent employee for not less than 10 years, as is the requirement in the case of grant of pro rata pension. He has referred to the decisions of the Hon'ble High Court as given in CWP 5871/2001, which has stipulated as under: -

"10. Clause (i) of the aforesaid para only stipulates that the concerned employee at the time of his absorption should have rendered not less than ten years of service under the Government. It is nowhere stated that an employee should have rendered ten years of service as a permanent employee. In the present case the respondent No.1 had joined CPWD on 8<sup>th</sup> November 1947 and thus has rendered approximately 14 years of service before his absorption in ONGC. He was declared quasi-permanent w.e.f. 1<sup>st</sup> February, 1951 and even if qualified period of 10 years is to be reckoned from this date, he had completed more than ten years service. Moreover, the reading of the impugned judgement suggests that no such contention was taken before the learned Tribunal. In this petition also the petitioners have not annexed the copy of the reply filed before

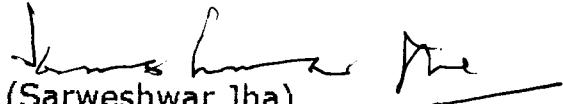
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the learned Tribunal from where it could show that any such contention was taken by the petitioners."

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2. Learned counsel for the applicant has prayed that this OA could be disposed of today with direction to the respondents to re-consider the case of the applicant in the light of the decision of the Hon'ble High Court in the said CWP.

3. The prayer as made by the learned counsel for the applicant has been considered and this OA is disposed of at the admission stage without issuing notices to the respondents with a direction~~s~~ to them to reconsider the case of the applicant in the light of the said decisions of the Hon'ble High Court, a copy of which is placed at page 74-79. It is also directed that a copy of this OA be made available to the respondents to enable them to give a proper consideration to the case treating the same as a representation of the applicant. The respondents shall ensure that the consideration of the matter is completed and decision conveyed to the applicant within a period of two months from the date of receipt of a copy of this order.

  
(Sarweshwar Jha)  
Member (A)

/vikas/