

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH.

O.A. NO. 2408/93

New Delhi this the 7th September, 1994.

Shri N.V. Krishnan, Vice Chairman(A).

Smt. Lakshmi Swaminathan, Member(I).

Yog Raj Goel,
C-96, Ganesh Nagar,
PO-Tilak Nagar,
New Delhi.

...Applicant.

By Advocate Shri G.D. Bhandari.

Versus

1. Union of India through
The Secretary,
Ministry of Defence (Exp. & Fin. Deptt.),
South Block,
New Delhi.
2. Engineer-in-Chief (E-in-C),
Kashmir House,
New Delhi.
3. Chief Engineer (CE),
Western Command,
Chandimandir.

...Respondents.

ORDER (ORAL)

Shri N.V. Krishnan.

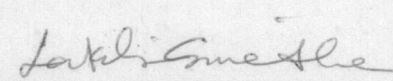
The applicant has filed this O.A. claiming pension as he has rendered 23-24 years of service, though he has been removed from service. On 30.11.1993, when the matter came up for admission, the learned counsel for the applicant submitted that the applicant does not challenge the order of removal from service which was issued sometime in 1975. Despite such removal, he contended that the applicant is entitled to pension which has been denied to him.

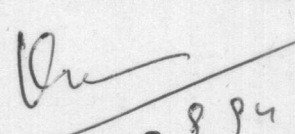
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2. The learned counsel for the applicant placed for our perusal the judgement of the Supreme Court in Moti Ram Vs. N.E. Frontier Railway, AIR 1964 SC 600. He points out that in that decision it has been held that termination, removal from service and dismissal, all connote the same thing. Rule 24 of the CCS(Pension) Rules, 1972 provides for forfeiture of service on removal and dismissal but not on termination. Therefore, the removal should be treated as simple termination.

3. We have seen the judgement of the Supreme Court. That was delivered entirely in a different context. The judgement merely states that termination too would amount to removal or dismissal from service in certain circumstances. That does not necessarily mean that there is no distinction between removal and dismissal. Rule 24 of the CCS(Pension) Rules, 1972 states that dismissal or removal of a Government servant from service entails forfeiture of his past service. This rule has not been challenged. In the circumstance, there is no question of granting any pension to the applicant for his past qualifying service. We, therefore, do not find any merit in this O.A. O.A. is dismissed. No costs.


(SMT. LAKSHMI SWAMINATHAN)
MEMBER(J)


2.8.94
(N.V. KRISHNAN)
VICE CHAIRMAN(A)

'SRD'