

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH
Original Application No.320/2021.**

Dated this the 13th day of August, 2021.

CORAM:

Hon'ble Sh. Jayesh V. Bhairavia, Member (J)

Hon'ble Dr. A.K. Dubey, Member (A)

Shri Trambakdas Manhardas Kubavat

DoB: 03.11.1956, Aged : 65 years

Son of Shri Manhardas Bechardas Kubavat,

MTS(Rtd.), Gondal Head Post-Office, Gondal – 360 311.

Residing at: Hadamtala (Shemda),

Via Gondal – 360 311, Dist. Rajkot.

...Applicant

(By Advocate Mr. A. D. Vankar)

VS

1. The Union of India & Others
Notice to be served through
Secretary to the Government of India,
Ministry of Communication & I.T. Department of Posts,
Dak Bhavan, Sansad Marg,
New Delhi – 110 001.
2. Chief Postmaster General,
Gujarat Circle, Khanpur,
Ahmedabad – 380 001.
3. Postmaster General,
Saurashtra and Kachchh Region,
Rajkot – 360 001.
4. Superintendent of Post Offices,
Gondal Division,
Gondal – 360 311.

...Respondents

ORDER(ORAL)

PER: Hon'ble Shri Jayesh V Bhairavia, Member (J)

1. In the present case, it is stated that the applicant from the year 1980 to 2008 had worked in a capacity of the Gramin Dak Sevak in the Respondents Postal

Department. Thereafter, in the year 2009, he was selected and appointed as a full time MTS and he was superannuated on 30.11.2016. He submitted representation before the competent authority for grant of benefit of the pension. The said representation of the applicant has been rejected vide impugned order dated 18.05.2021 (Annexure A/1), on the ground that as per the provision of CCS (Pension) Rule 1972, benefit of the pension is available only to permanent civilian employee who borne in service on or before 31.12.2003, accordingly, the service of the applicant is not considered as pensionable.

2. Aggrieved by it, the applicant has filed the present OA. Counsel for applicant mainly relied upon order passed by the Hon'ble High Court of Karnataka at Bangalore in Writ Petition No. 11679 of 2011 (S-CAT) decided on 07.04.2015 and submits that the benefit of pension was extended to the petitioner/applicant therein. The said order is also applicable in the present case and the applicants are entitled for the pension.
3. Heard Shri A. D. Vankar, counsel for the applicant and perused the material on record. Undisputedly, the applicant herein, borne in service only as MTS in the Postal Department on 16.07.2009. Provisions of the CCS (Pension) Rules of 1972 are applicable to those permanent Central Government Servants including civilian Government servants in the defence services borne on pensionable establishment, **who are appointed on or before 31st December, 2003.** The judgment relied upon by the counsel for the applicant is not applicable in the facts and circumstances of present case, for the reason that the applicant/petitioner therein was conferred with a permanent status with effect from 29/11/1989 vide order dated 26/07/1994, and was given certain benefits which includes pension and retirement benefits after his regularization. Here the facts are completely different. As noted herein above the applicant was borne in service as MTS only in the year 2015 and not on or before 31st December 2003. Therefore, we do not find any infirmities in the reason assigned by respondent while rejecting the representation of the applicant vide impugned order dated 18.05.2021.

Hence OA fails. Accordingly, the same is dismissed at admission stage. No order is to cost.

(A K Dubey)
Member(A)

(Jayesh V Bhairavia)
Member(J)

PA