

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH  
ALLAHABAD

DATED: THE 17TH DAY OF SEPTEMBER 1997

CORAM : HON'BLE MR. S.DAYAL, A.M.

ORIGINAL APPLICATION NO.396/1993

Murlidhar S/o Late Kashi Prasad  
R/o Village Tekaur, Post Chunar,  
District Mirzapur.  
i/i. Mohan Kumar son of Murlidhar  
1/2. Lila Dhar son of Murlidhar.

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Applicants

C/A Shri S.K.Lal, Advocate.

Versus

1. Union of India through the Secretary  
Ministry of Textiles, New Delhi.
2. Development Commissioner (Handicrafts)  
Government of India, Ministry of Textiles,  
195/22 J.N.Road Golaganj, Lucknow.

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Respondents

C/R Shri Amith Sthalekar, Advocate

ORDER

HON'BLE MR.S.DAYAL, A.M.-

This is an application under section 19 of the  
Administrative Tribunals Act 1985.

2. The applicant has come to the Tribunal seeking directions to the respondents to give pensionary benefits along with the Provident Fund, Gratuity, Leave Encashment, Group Insurance and also award cost of the application to the applicant.

3. The facts as given by the applicant in the Original Application are that he was employee as a jobber in Extension-cum-Development Centre for Red Clay Pottery, at Chunai in District Mirzapur. He claims to have sought voluntary retirement on 5.12.1987 as his eye-sight had gone bad and the voluntary retirement was allowed by order dated 25.2.1988 with effect from 29.2.1988. It is claimed that the applicant has become almost totally blind and/indigent <sup>is in</sup> condition. No pensionary benefits has been allowed to the applicant as yet.

4. The arguments of Shri S.K.Lal, learned counsel for the applicant and Shri Amit Sthalekar, learned counsel for the respondents have been heard. The pleadings have been considered. During the arguments the learned counsel for the applicant has mentioned that the applicant has since received Provident Fund, Gratuity, Leave Encashment and Group Insurance etc. but now has only a relief of pensionary benefit left.

5. We, therefore, take up the question of entitlement of pension of the applicant in this case. The short question which has to be examined is whether completion of 20 years as provided under Rule 48A of the C.C.S.Pension Rules 1972 is applicable in this case or the provisions referred to in Annexures C.A.2 providing for entitlement of pension on retirement/superannuation/invalidation after rendering more than 10 years of service is applicable. The learned counsel for the respondents has contended that the applicant

has himself applied for voluntary retirement. On the other hand, the learned counsel for the applicant has laid stress on retirement as per the provisions referred to in Annexure-C.A.2 which is a letter from their Director Handicrafts to Pay and Accounts Officer, Development Commissioner, Handicrafts, New Delhi.

6. A perusal of annexure C.A.2 referred to in the last paragraph shows that pensionary entitlement on retirement/superannuation/invalidation after rendering more than 1C years temporary combined military and civil service is involved. It is without controversy that Rule 48-A mentions the qualifying service of 20 years for voluntary retirement. However, Rule 49(2)(b) provides as under:-

49(2)(b)"in the case of a Government servant retiring in accordance with the provisions of these rules before completing qualifying service of thirty-three years, but after completing qualifying service of ten years, the amount of pension admissible under clause (a) and in no case the amount of pension shall be less than rupees sixty per mensem;"

The respondents are directed to consider the case of the applicant in the light of Rule 49(2)(b) of C.C.S.Pension Rules 1972. This rule is applicable as the respondents themselves sanctioned the voluntary retirement with effect from a-fter-noon of 29.2.1988. The respondents shall consider any representation along with the copy of this order which is submitted by the applicant within three months after the receipt of the letter. There shall be no order as to cost.

  
MEMBER (A)