

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 27th day of March, 2000

Original Application No. 246 of 2000

District : Kanpur

CURAM :-

Hon'ble Mr. M.P. Singh, A.M.

Rajendra Bahadur Parmarthy,  
S/o Late Markandey Nath,  
R/o 497/8, H.I.G, Avas Vikas Colony No.1,  
Kailash Vihar, Kalyanpur, Kanpur.

(Sri O.P. Khare, Advocate)

..... .Applicant

Versus

1. Union of India, through the Secretary, Ministry of Industry, Government of India, Udyog Bhawan, New Delhi.
2. Union of India, through the Secretary, Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Pension and Pensioners' Welfare, New Delhi.
3. Additional Secretary and Development Commissioner, Small Scale Industries, Department of S.S.I. Agro and Rural Industries, Ministry of Industry, Government of India, Nirman Bhawan, Maulana Azad Road, New Delhi.
4. Secretary, Union Public Service Commission, Bhopal House, New Delhi.

..... .Respondents

ORDER (Oral)

By filing this OA the applicant has sought the relief of seeking a direction to the respondent to amend the Recruitment Rules for the post of Assistant Director Grade I, in response to the guidelines provided by respondent no.2 vide letter dated 18-3-1988 providing benefits of 5 years to add to the qualifying service for pension on the basis of qualifications as stated in Rule 30 of C.C.S.(Pension) Rules, 1972, in consultation with the Union Public Service Commission. He has also sought a direction to respondent no.3 to re-fix the pension

of the applicant after adding 5 years to the qualifying service after respondent no.3 amends the Recruitment Rules for the post of Assistant Director Grade I. In this connection he has submitted the representations to the department where he was last working and also the Ministry of Personnel, <sup>Public</sup> Grievances and Pension. The Development Commissioner, Small Scale Industries, where the applicant was last working has stated that the benefit of added years of service under CCS(Pension) Rules, 1972 will be admissible to all those who retired from service after 31-3-1960 and who are otherwise eligible under Rule 30. As per Rule 30, this benefit shall be admissible only if the Recruitment Rules in respect of the said service or post contained specific provisions that the service or the post is one which carries the benefit of this Rule. In this case the Recruitment Rules for the post of Assistant Director Grade I does not contain provision. The Department of Personnel ~~and~~ Grievance and Pension has also stated while disposing of the representation of the applicant that the benefit under Rule 30 of CCS(Pension Rules) 1972 is granted to the incumbent of the post where <sup>essential</sup> qualification and experience prescribed for the post conforms to the same laid down in Rule 30 of CCS(Pension) Rules 1972 and the Recruitment Rules of the post carries a provision for grant of the benefit under the aforesaid Rule. Since the Recruitment Rules for the post of Assistant Director do not contain provision to that effect the benefit cannot be extended to the applicant.

2. In the light of what has been stated above, the applicant is not entitled for the benefit of adding 5 years to his qualifying service for the purposes of granting pension. The OA is, therefore, dismissed and disposed of at the admission stage with no order as to costs.

Dube/

  
Member (A)