

RESERVED

CENTRAL ADMINISTRATAIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

DATED THIS THE 4th DAY OF June 2010

Original Application No. 62 of 2008.

CORAM:

HON'BLE MRS. MANJULIKA GAUTAM, MEMBER (A)

Maiku Lal son of Sita Ram, Thrihar, Post Khairnagar, District Farrukhabad.

... Applicant

By Adv: Sri N.K. Singh

V E R S U S

1. Union of India through Secretary Post, Department of Posts, India Ministry of Communications, Dak Bhawan, Sansad Marg, New Delhi.
2. Post Master General, Kanpur Region, Kanpur.
3. Superintendent of Post Offices, Fatehgarh Division, Farrukhabad.

... Respondents

By Adv: Sri Saurabh Srivastava

Sri S.C. Mishra

Sri R.D. Tiwari

Sri Saumitra Singh

O R D E R

Heard Shri D.S. Yadav holding brief of Shri N.K. Singh, learned counsel for the applicant and Shri D. Tiwari, holding brief of Shri S. Srivastava, learned counsel for the respondents.

2. The facts of the case are that the applicant was working as E.D.D.A since 1.10.1969. On the basis of his seniority and satisfactory work, he was given an order of appointment on group 'D' post dated 20.10.1997. The applicant joined the above group 'D' post but was superannuated on 31.1.2007 on completing the

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age of 60 years. Unfortunately the period of service of the applicant on group 'D' post was less than 9 years and 9 months, which is necessary qualifying period, therefore, he is not being paid any pension. Aggrieved by this, the applicant has filed the present O.A. and sought the following reliefs:-

- "i) to issue an order, or direction quashing impugned order dated 29.10.2007 (Annexure 1) passed by respondent No. 3.
- ii) to issue an order direction directing the respondents to pay pension and other retrial benefits forthwith along with 18% interest, and/or pass such other order which this Hon'ble Court may deem fit and proper in the circumstances of the case.
- iii) To issue any other rule or direction which this Hon'ble Tribunal may deem fit in the circumstances of the case.
- iv) To award the cost of the application".

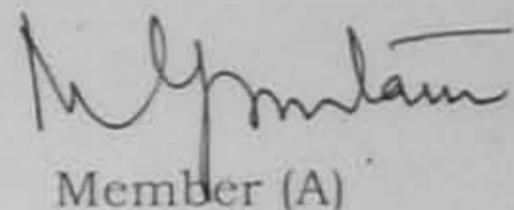
3. After his superannuation, the applicant made a representation dated 23.8.2007 in which he has stated that he did not have knowledge that on joining group 'D' post he would require 10 years qualifying service and that he should now be allowed to continue on the post of G.D.S. where the age limit is 65.

4. In the counter affidavit filed by the respondents, It has been stated that all action taken in the case of the applicant have been according to rule and law. The qualifying service required for grant of pension is 9 years and 9 months whereas the applicant has completed 9 years 3 months and 5 days only and also services rendered by him as G.D.S. are not counted for pension purpose, therefore, his continuous record of working as G.D.S. cannot be taken into account while calculating qualifying service

5. Heard both the counsel and perused the record on file, I am of the opinion that the stand taken by the respondents is correct and that no benefit of the service of the applicant as G.D.S. can be

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given to him while calculating the qualifying service. He joined the group 'D' post of his own will and later found out that he did not have the requisite qualifying service for grant of pension. Ignorance of law or rules is no defence. If he had been vigilant, he had the option not to join the group 'D' post and to continue to work as G.D.S. but he joined the group 'D' post and, therefore, he is bound by Pension Rule governing group 'D' posts. No case for intervention in the matter is made out. O.A. is accordingly dismissed. No order as to costs.



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Member (A)

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