

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 17 OF 2012
Cuttack this the 19th day of January, 2012

CORAM:

HON'BLE SHRI C.R.MOHAPATRA, ADMINISTRATIVE MEMBER
AND
HON'BLE SHRI A.K.PATNAIK, JUDICIAL MEMBER

...
Nityananda Dharua...Applicant
-VERSUS-
Union of India & Ors. Respondents

ORDER

In this Original Application under Section 19 of the Administrative Tribunals Act, 1985, the applicant has sought the following relief.

“...to direct the Respondents to consider the case of applicant for payment of superannuation pension and direct to consider payment of minimum pension from the date of retirement”..

Earlier the applicant had moved this Tribunal in O.A.No.681 of 2011. This Tribunal vide order dated 21.10.2011 disposed of the said O.A. at the admission stage by directing Respondent No.1 to consider and dispose of the pending representation vide Annexure-A/4 and pass a speaking and reasoned order as per rule. It is in this background, the Respondents having issued order dated 18.10.2011(Annexure-A/6) rejecting the prayer of the applicant that he is not entitled to pension on the ground that he has not rendered 10 years qualifying service. Aggrieved with the above impugned order, the applicant has approached this Tribunal with the prayer referred to above.

The facts of the case are that applicant was appointed as Extra Departmental Delivery Agent (in short EDDA now called as GDSMD) of Dalgaon Branch Post

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Offices with effect from 16.12.1967, promoted to Group D with effect from 08.05.2000 and retired on superannuation with effect from 28.2.2009.

The grounds based on which the applicant has laid his claim are that though he has rendered service as GDS for more than 32 years and four months and 8 years 9 months and 24 days of service as Group D which works out to 41 years of service under the Respondent-Department, yet, the Respondents have not granted minimum pension. According to the applicant the period falling short of qualifying service of 10 years could be made good in view of decision of C.A.T.Madras Bench (M.R.Palanisamy vs. UOI & Ors.) wherein it has been held that the deficient period could be made good by taking into account the services rendered as GDS.

We have heard Shri P.K.Padhi, learned counsel for the applicant and Shri G.Singh, learned Addl.Standing Counsel appearing for the Respondents and perused the materials on record.

Recently, this Bench while dealing with the similar matter, based on the decision of C.A.T. Madras Bench up held by the Hon'ble High Court of Madras in WP No.45465/WPMP No.66391 of 2007 and confirmed by the Hon'ble Supreme Court vide order dated 17.10.2008 on the SLP filed by the Department of Posts, allowed O.A.No.310/2010 vide order dated 21.3.2011 and directed the Respondents to bring such of the shortfall period of service from the ED employment of the applicant to count for the purpose of minimum period of ten years qualifying service and accordingly, sanction and release pension and pensionary benefits to the applicant.

For the reasons aforesaid, we do not like to make a departure from the view already taken in the similar matter. In the circumstances, impugned order dated 18.10.2011(Annexure-A/6) is quashed.

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Having regard to what has been discussed above, Respondents are directed to take into account such of the period which falls short of from the ED employment of the applicant in order to grant him minimum pension and in that event, they shall complete the exercise as indicated above, within a period of three months from the date of receipt of this order.

With the above observation and direction, this O.A. is disposed of. No costs.


JUDICIAL MEMBER

BKS


ADMINISTRATIVE MEMBER