

98

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
JODHPUR.

Date of Decision: 13.5.2002

OA 183/2001

Taru Singh s/o Shri Chuhan Singh r/o 224, New Market
Colony, Rawatbhata, District Chittorgarh.

... Applicant

V/s

1. Union of India through Secretary, Department of
Atomic & Energy, CSM Marg, Mumbai.
2. Managing Director, Nuclear Power Corporation
India Limited, 12th Floor, CMD Office, Vikram
Sarabhai Bhawan, Anushakti Nagar Ist, Mumbai.
3. Project Director, RAPS, Anushakti, Rawatbhata,
via Kota.

... Respondents



CERAM

HON'BLE MR.JUSTICE O.P.GARG, VICE CHAIRMAN

HON'BLE MR.A.P.NAGRATH, ADM.MEMBER

Mr.V D.Vyas, counsel for applicant.

Mr.Arun Bhansali, counsel for respondents.

ORDER

PER HON'BLE MR.JUSTICE O.P.GARG, VICE CHAIRMAN

The applicant, who stands superannuated on
31.5.94 from the post of Superintending Engineer,
Rajasthan Atomic Power Project (RAPP) on completion
of 27 years of service, has been granted pensionary
and retiral benefits. He made a representation to
the departmental authorities with the prayer that

[Signature]

his earlier services rendered in Neyveli Lignite Corporation may be added for purposes of computing pensionary benefits in view of the provisions contained in Rule-30 of the CCS (Pension) Rules, 1972. This representation of the applicant was rejected by the competent authority and the result communicated by the Assistant Personnel Officer (E-1) vide letter dated 1.3.95 (Ann.A/2).

2. The applicant has challenged the said order, at Ann. A/2, and has maintained that he is entitled to the benefit of counting additional qualifying service of 5 years, in view of Rule-30 aforesaid. This contention of the applicant has been repelled on behalf of the respondents.

3. Heard the learned counsel for the parties. We have also waded through the documents brought on record. There is no dispute about the fact that pension of the applicant has been rightly calculated on the basis of 27 years of service rendered by him in RAPP. The only point for determination in the present case is whether the applicant is entitled to the addition of at least five years service for purposes of computation of pensionary benefits under Rule-30 of the CCS (Pension) Rules, 1972, which runs as follows:

"30. Addition to qualifying service in special circumstances

(1) A government servant who retires from a service or post after the 31st March, 1960,

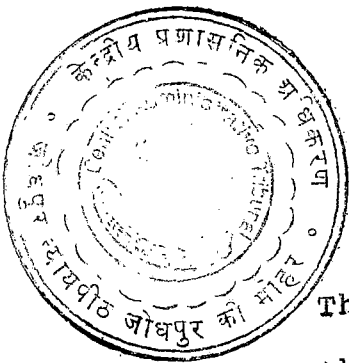


Handwritten signature and a long diagonal line.

shall be eligible to add to his service qualifying for superannuation pension (but not for any other class of pension) the actual period not exceeding one-fourth of the length of his service or the actual period by which his age at the time of recruitment exceeded twenty-five years or a period of five years, whichever is less, if the service or post to which the Government servant is appointed is one -

(a) for which post-graduate research, or specialist qualification or experience in scientific, technological or professional fields, is essential; and

(b)



The learned counsel for the applicant pointed out that though the applicant is not a post-graduate, he possesses specialist qualification or experience in scientific, technological or professional fields. The learned counsel for the respondents pointed out that possession of a qualification by an individual is not the criteria for determining the question whether addition of previous service is required or not. He further pointed out that none of the grounds mentioned in ~~xx~~ clause (a) above are the subject matter or condition for recruitment to the post on which the applicant was appointed in RAPP. A detailed reply on this point has been given in para 4.3 of the reply filed by the respondents, which is extracted as follows :

"4.3 As regards the ~~xx~~ averments made in this sub-para, it is submitted that the provision of

Rule 30 of the CCS (Pension) Rules, 1972 cannot be made applicable in the case of applicant Sh. Taru Singh. As per proviso (i) of Rule 30, it has been specifically stipulated therein that benefits of Rule 30 can be extended only to such posts/persons for which post graduate research or specialist qualification or experience in Scientific, Technological or Professional field, is essential and to which candidates of more than 25 years of age are normally recruited. It has further been provided that this concession shall be admissible only if the recruitment rules in respect of the said service or post contains a specific provision that the service of post is one, which carries the benefit of this Rule.



So far as the post of Asstt. Mechanical Engineer/Transport SO/SC-1, to which the applicant Sh. Taru Singh was initially appointed in RAPP (Respondent No.3) is not one for which post graduate research or specialist qualification or experience in scientific, technical or professional fields is considered essential. Thus, in view of the above stipulations, the respondents after examining his representation did not consider him fit for the grant of additional qualifying service under Rule 30 of CCS (Pension) Rules, 1972 and his representation was accordingly rejected, which was communicated to him vide letter dated 1.3.95 (Ann.A/2) by the respondents. In this regard, a copy of the letter dated 6/7.2.95 of Department of Atomic Energy is also annexed herewith and marked as Annexure R-1 to this reply."

4. The learned counsel for the applicant pointed out that Annexure A/2 is not a reasoned order as the

authorities concerned have not mentioned the specific grounds on which the representation of the applicant has been rejected. We find that there is considerable force in the submission made by the learned counsel for the applicant as the order (Ann A/2) does not contain any specific reason. Nevertheless, since we have examined the question with reference to the provisions of Rule 30(a), ~~and have passed~~ we do not consider it necessary to direct the authorities concerned to pass again a reasoned order, as stated by the learned counsel for the applicant.



5. After giving our thoughtful consideration to the matter, we find that the representation of the applicant has been rightly rejected by the respondent department. The provisions contained in Rule-30(a) of the CCS (Pension) Rules, 1972 are not applicable to the case of the applicant and his pension has been rightly computed on the basis of the services rendered by him in RAPP. The OA is meritless. It is accordingly dismissed. No costs.


(A.P. NAGRATH)
MEMBER (A)


(JUSTICE O.P. GARG)
VICE CHAIRMAN

Recd copy of the
order dt 13/5/02
[Signature]

Recd. copy
with 12/05/02

Part II and III destroyed
in my presence on 12.7.07
under the supervision of
section officer (1) as per
order dated 14.7.07

[Signature]
Section officer (Record)