

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH; JODHPUR**

ORIGINAL APPLICATION NO. 122/2006

Date of order: 9.4.2010

CORAM:

**HON'BLE MR. JUSTICE S.M.M. ALAM, JUDICIAL MEMBER
HON'BLE DR. K.S. SUGATHAN, ADMINISTRATIVE MEMBER**

Sh. Chuna Ram s/o Sh. Kushla Ram, Caste- Meghwal, R/o
Village & Post Modardi, Tehsil Pokharan, District Jaisalmer,
Rajasthan (Hall Ex. Group "D" Employee at Post & Telegraph
Deptt. Post Office Kacheri, Jodhpur)

...Applicant.

Mr. S.P. Sharma, counsel for applicant.



VERSUS

The Union of India through the Secretary, Department
of Post & Telegraph, Ministry of Communication, Govt.
of India, Dak Bhawan, New Delhi.

2. The Chief Post Master General, Rajasthan Circle, Statue
Circle, Jaipur.
3. The Assistant Post Master General, Rajasthan West
Region, Head Post Office, Railway Station Road,
Jodhpur.
4. The Senior Superintendent of Post Offices, Jodhpur
Division, Railway Station Road, Jodhpur 342001.
5. The Sub Post Master, Post Office, Kacheri Jodhpur.

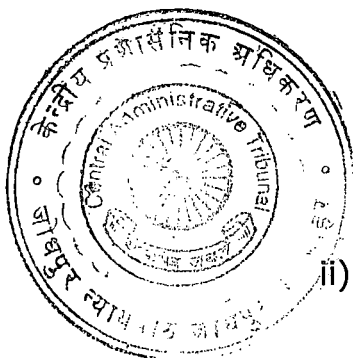
... Respondents.

Mr. M. Godra proxy for Mr. Vinit Mathur, counsel for
respondents.

ORDER**Per Hon'ble Mr. Justice S.M.M. Alam, (JM)**

1. Applicant, Chuna Ram Ex-Group 'D' employee of post and Telegraph department, Post Office Kacheri, Jodhpur has preferred this Original Application for grant of mainly the following reliefs:-

- i) That the impugned order dated 3.5.2006 (Annexure A/1) passed by respondent no.4 may kindly be declared unsustainable and the same may kindly be quashed and set aside and consequently the respondents may kindly be directed to count the total length of service rendered by the applicant from the date of his initial appointment, i.e. 2.2.1970 for the purpose of determination of all retirement benefits and the applicant be directed to be granted regular pension with all consequential benefits with interest.



- ii) The provisions of the ED conduct and Service Rules 1964, wherein not providing for pension, Gratuity benefits to EDA employees in the respondent department and not providing for counting the past service as ED Agents, while absorption/promotion to the post of Group-D, be declared ultra-vires the constitution of India, and the respondents, may very kindly be directed to accept and implement the recommendations of Talwar Committee Report.

The brief facts of the case are as follows:-

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2. That the applicant was appointed in the department of Post and Telegraph on daily wages on the post of Mail Carrier on 2.2.1970. Thereafter, on 25.2.1989 he was appointed on the post of EDMC (Extra Departmental Mail Carrier) Vide Annexure A-7. In the meantime, the Govt. of India initiated various schemes from time to time and issued instructions for grant of temporary/semi permanent status to employees working in the department of Post and Telegraph, but so far as the EDMC employees are concerned the scheme was not implemented. In the year 1999 on 9.7.1999 the applicant was made permanent and he was promoted to the post of Group-'D' employee and was posted at sub-post office Kacheri, Jodhpur and on 31.3.2006 the applicant retired from service as Group-D employee. Although, he was paid all other retiral benefits, but he was not granted regular pension. Thereafter on 1.5.2006 the applicant served a legal notice through his Advocate upon the respondents and prayed for grant of regular pension to him. The request of the applicant was turned down vide order dated 3.5.2006 by the respondents on the ground that he (applicant) had not completed 10 years of qualifying service on Group-'D' post and hence he is not entitled for pension. The said order of the respondent department is Annexure A-1 of the application which is under challenge.

3. On filing of the present Original Application, notices were issued to the respondents and in compliance of the



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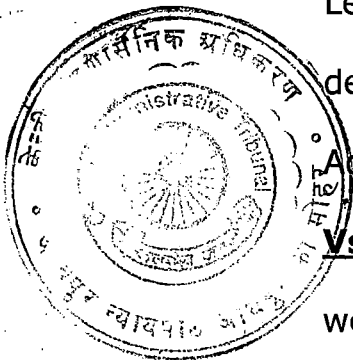
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notice respondents put appearance through their Lawyer and have filed joint reply of the O.A. According to the reply of the respondents, the applicant is not entitled for grant of regular pension as he has not completed 10 years of service as Group-'D' employee which is minimum qualifying period for grant of pension to an employee.

4. We have heard the Lawyers of both the sides at length. During the course of arguments the Learned Advocate appearing on behalf of the respondents submitted that the present case is fully covered by the decision dated 14.1.2010 passed in O.A. No. 105/2008 titled **Ghisa Singh Vs Union of India & Ors.** as similar issue was involved in that case.

Learned counsel further submitted that the said O.A. was decided in the light of the decision rendered by Central Administrative Tribunal, Chandigarh Bench in **Surjit Singh Vs Union of India & Ors.** (O.A. NO. 1033/PB/2003) as well as the decision of Central Administrative Tribunal, Ernakulam Bench in O.A. No. 156/2007 titled **A Prakasan and Ors. Vs. UOI and Ors.** He further submitted that since the point involved in this Original Application is covered by the above mentioned decisions as such similar order can be passed in this O.A. also.

5. We have gone through the decision rendered in O.A. No. 105/2008 by this Bench and are of the view that the decision referred above fully covers the point involved in the present O.A. As per the law laid down in the above

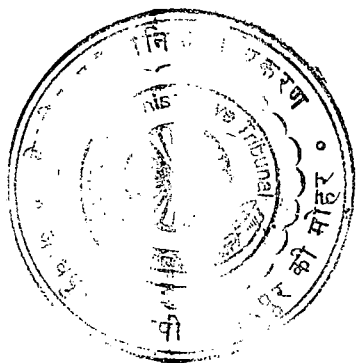


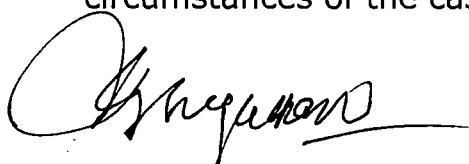
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mentioned decision as the E.D. Agent are not entitled to any pensionary benefits as per the provision of Rule 4 of E.D. Agents (Conduct and Service) Rules 1964 so the service rendered by an employee as an E.D. Agent cannot be reckoned for computing the qualifying service for pension. Applying the law laid down in the above mentioned case with the present case, we hold that the applicant is not entitled under law for counting the period of his service as EDMC from 25.2.1989 to 8.7.99 to make him entitle for grant of pensionary benefits as the same is not permissible under Rule 4 of EDA (Conduct and Service) Rules, 1965. Thus, we have no difficulty in holding that since the applicant has not completed the minimum qualifying period of 10 years as Group-'D' employee to become entitled for grant of pension, he is not entitled to any pensionary benefits.

6. In the result, we find no merit in this O.A. and as such the same is hereby dismissed. However, in the facts and circumstances of the case there will no order as to costs.




(DR. K.S. SUGATHAN)
ADMINISTRATIVE MEMBER


(JUSTICE S.M.M. ALAM)
JUDICIAL MEMBER

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