

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.436/99

Wednesday, this the 30th day of June, 1999.

CORAM:

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

HON'BLE MR G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

R.Hariharan,
S/o H Ramaswamy Iyer,
Ramanivas, 23/513,
Chinnachalai Street,
Trivandrum.

- Applicant

By Advocate Mr M.R.Rajendran Nair

Vs

1. Union of India represented by the Secretary to Government of India, Department of Pension and Pensioners' Welfare, Ministry of Personnel, Public Grievances and Pensions, New Delhi.
2. Secretary, Department of Space, Anthareeksha Bhavan, New B.E.L.Road, Bangalore-560 054.
3. The Director, Vikram Sarabhai Space Centre, I.S.R.O. Post, Trivandrum.
4. The Controller, Vikram Sarabhai Space Centre, I.S.R.O. Post, Trivandrum. - Respondents

The application having been heard on 30.6.99, the Tribunal on the same day delivered the following:

O R D E R

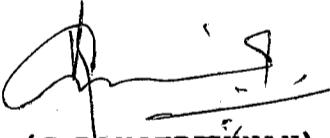
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This is the 4th round of litigation between the applicant and the respondents in regard to counting of certain periods during which the applicant had worked in the Ministry of Finance and

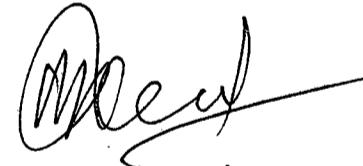
in the Electronics Corporation of India. The applicant who retired from service while working under the third respondent, initially filed O.A.1551/91 seeking for a declaration that he is entitled to have the service rendered in the Ministry of Finance and in the Electronics Corporation of India should be counted for reckoning pension. That application was dismissed finding that the applicant did not qualify for such benefit. However, it was observed that it was for the applicant to make a request to the competent authority who probably would consider the same. Thereafter the applicant made a representation to the third respondent which was rejected. Aggrieved by the rejection, the applicant filed O.A.1391/94. When the O.A. came up for hearing, on the basis of the submission made by the learned counsel for the respondents that the order rejecting the request of the applicant was an appealable order, the application was disposed of allowing the applicant to prefer an appeal, expressing a hope that if such an appeal was filed, the competent authority would pass orders as to whether it was a fit case which calls for relaxation under the provisions of Rule 88 of the CCS(Pension), Rules or not. The applicant submitted an appeal to the first respondent. When there was a delay in disposal of the said appeal, the applicant filed O.A.75/99. While the said O.A. was pending, the impugned order was passed stating that on consideration of the matter it was decided that it was not a fit case for relaxation under the provisions of Rule 88 of CCS(Pension), Rules. The applicant has filed the present O.A. impugning this order and for a declaration that the applicant is entitled to have relaxation of rules under Rule 88 of CCS(Pension), Rules and a direction to refix the pension of the applicant after counting his service in the Defence Accounts Department and ECIL and to draw and disburse the arrears from the date of retirement till the date of payment with interest at 18% per annum.

2. On a perusal of the application and other materials placed on record and on hearing the learned counsel for the applicant, we find that there is nothing in this application which calls for admission and further deliberation. Rule 88 of the CCS(Pension), Rules is a provision which enables the competent authority to relax any of the provisions of the rule if it consider that applying those rules would cause undue hardship to any particular individual. The first respondent has on the appeal submitted by the applicant, considered the matter and taken a decision that the instant case does not call for relaxation under the provisions of Rule 88 of the CCS(Pension), Rules. Rule 88 calls for recording reason in case any of the provisions of the CCS(Pension) rules is decided to be relaxed. Here the decision is not to relax any of the provisions and it does not required stating any reason for not relaxing. Since the competent authority after taking into account the relevant facts was satisfied that it was not a fit case which calls for relaxation, we do not see any infirmity in the order which calls for interference. The application therefore is rejected under Section 19(3) of the Administrative Tribunals Act.

Dated, the 30th of June, 1999.



(G. RAMAKRISHNAN)
ADMINISTRATIVE MEMBER



(A.V. HARIDASAN)
VICE CHAIRMAN

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