

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 440 of 1994

Monday, this the 9th day of January, 1995

CORAM:

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR SP BISWAS, ADMINISTRATIVE MEMBER

1. KK Nair,
Retired Head,
Personnel & General Administration,
ISRO, Prasanth, Rathapurakunnu,
Thiruvananthapuram. .. Applicant

By Advocate Mr. N Govindan Nair

Vs.

1. Union of India represented by
Secretary,
Department of Space,
Antariksh Bhavan,
New BEL Road, Bangalore-560054.

2. The Director,
Vikram Sarabhai Space Centre,
ISRO (Post), Thiruvananthapuram. .. Respondents

By Advocate Mr. CN Radhakrishnan,
Standing Counsel for VSSC

ORDER

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant challenges A-5 order, rejecting his request for treating the service rendered by him under the Banaras Hindu University as qualifying service for pension.

2. Applicant worked under the Banaras Hindu University between July 1954 and February 1960. He then resigned his job. Two years and eight months later, he joined the Government of India on 10-8-1962, and eventually the services of respondent on 1-3-1969, and retired on 31-10-90.

Applicant contended that service rendered under the Banaras Hindu University between July 1954 and February 1960, must be reckoned as qualifying service for pension. This claim was rejected and upon that he moved this Tribunal with OA No. 491/91. A bench of this Tribunal directed respondents to reconsider the matter, and on such reconsideration they passed the impugned order. Rule 28 of the CCS (Pension) Rules, provides for condonation of interruption in service. The material part of the Rule reads:

"an interruption between two spells of civil service rendered by a Government servant under Government including civil service rendered and paid out of Defence Services Estimates or Railway Estimates shall be treated as automatically condoned and the pre-interruption service treated as qualifying service."

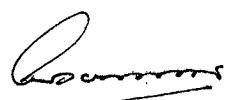
3. It is upon this Rule that applicant banks for relief. The Rule has only to be read, to reject the argument. It refers to condonation of breaks in service rendered by Government servant, that too, under Government. Service rendered under the Banaras Hindu University is not Government service nor was applicant a Government servant. Counsel for applicant referred to Rule 88 to support his claim for condonation. That Rule confers a power on the Government or Ministry, to relax the requirements in cases of hardships. Reference to this Rule is misconceived. As Rule 2 of the Rules shows, the Rule governs only the categories of persons enumerated therein, and not persons in private employment.

4. Applicant submitted that persons similarly situated have been granted exemption, but he has not been able to give the service particulars of those persons nor could he

establish how those cases, offer a parallel.

5. After a proper and well reasoned consideration, the request of applicant has been rejected by A-5. The application is without merit, and we dismiss the same with costs of Rs. 200/- (Rupees Two hundred only).

Dated the 9th January, 1995



SP BISWAS
ADMINISTRATIVE MEMBER



CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

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