

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.613/94

Monday, this the 16th day of January, 1995.

CORAM:

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

HON'BLE MR P SURYAPRAKASAM, JUDICIAL MEMBER

PK Padmanabhan,
S/o Kunhappan, Krishnavilasam,
Paliparambil, Thiruvalla. - Applicant

By Advocate Mr MR Rajendran Nair

Vs.

1. Union of India represented by
Secretary to Government,
Ministry of Communications,
New Delhi.
2. The Chief General Manager,
Telecom, Kerala Circle,
Trivandrum.
3. The Telecom District Manager,
Thiruvalla. - Respondents

By Advocate Mr TPM Ibrahimkhan, Senior Central Government
Standing Counsel

O R D E R

PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Applicant who was working as a Group 'D' employee in the office of the Telecom District Manager, Thiruvalla is aggrieved by the fact that his part time service rendered between 1968 and 1989 for nearly 20 years was not reckoned as qualifying service for pension on the ground that it was part time service. Applicant has since retired from service.

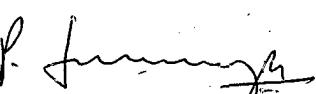
2. Applicant prays for a direction that Clause(a) of the Government of India order A4 dated 14.5.1968, which stipulates that service paid from contingencies should have been in a job involving whole time employment (and not part time or a portion of the day) in order to qualify for pension, is illegal.

3. A similar issue was considered by this Tribunal in O.A-1311/93. In that case, the applicant's request for grant of pension in relaxation of the pension rules reckoning half the service rendered by her as a part time Sweeper and Waterman was rejected by the Government. The Tribunal held that the demand put up by the applicant therein could be better understood and dealt with by an independent forum like the Pay Commission rather than treated as a matter for arbitration before a court of law, and directed the respondents to consider referring the demand of part time employees like the applicant therein for giving them pensionary benefits to the next Pay Commission. It is not clear whether respondents therein have acted in accordance with the direction therein. A decision taken by the respondents in pursuance of that direction in O.A-1311/93 would govern the case of the applicant herein also.

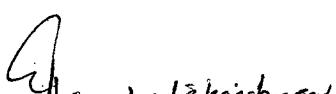
4. Under the circumstances, we permit applicant to make a representation to the first respondent setting out his case and enclosing copies of orders of the Tribunal in O.A-1311/93 and this O.A. within one month. If such representation is made, first respondent shall consider the matter and pass appropriate orders within two months from the date of its receipt. If no representation is made, this order will be recalled and the application will stand dismissed.

5. The application is disposed of as above. No costs.

Dated, the 16th January, 1995.



P. SURYAPRAKASAM
JUDICIAL MEMBER



PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

List of annexures

Annexure A.4: True copy of the O.M. No.F.12 (1)-E-V/68
dated 14.5.1968.