

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 83 of 2003

Wednesday, this the 5th day of February, 2003

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

1. N.D. Sarojini,
Retired Lascar,
Residing at Thundiparambil, House No.19/1426,
Pullaradasam Road, Palluruthy,
Kochi-6Applicant

[By Advocate Mr. P.K. Muhammed]

Versus

1. The Flag Officer Commanding in Chief,
Southern Naval Command, Naval Base,
Kochi-6
2. The Commanding Officer,
INS Hansa, Headquarters,
Goa Naval Area, Vasco da Gama, Goa-403902
3. Union of India, represented by
Secretary to Government,
Ministry of Defence, New Delhi.Respondents

[By Advocate Mr. C. Rajendran, SCGSC]

The application having been heard on 5-2-2003, the
Tribunal on the same day delivered the following:

O R D E R

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

The applicant who commenced service in INS Sanjivani in September, 1983 got regularized in service after a series of protracted litigations. While serving as a Lascar, she retired on superannuation on 30-4-1998. Her request for pension was rejected by order dated 1-11-2002 (Annexure A9) on the ground that counting 1/2 the period of service during September, 1983 to 17th July, 1994 and the full service thereafter till the

date of superannuation on 30-4-1998 the applicant having put in only 9 years, 3 months and 23 days of service, the applicant did not qualify for superannuation pension as she did not have 10 years of service. Aggrieved by that, the applicant has filed this Original Application seeking to set aside the impugned Annexure A9 order and for a direction to the respondents to reckon the total service of the applicant from September, 1983 to 30-4-1998 and to grant the applicant pension.

2. It is stated in the application that the applicant has filed a representation dated 10-12-2002 to the 1st respondent seeking relaxation of Pension Rules and to grant her pension and that the same has not been considered and disposed of.

3. According to the provisions of the CCS (Pension) Rules, for an employee to be entitled to superannuation pension, there should be a minimum qualifying service of 10 years. The applicant, admittedly, does not have that qualifying service. The entire period of casual service cannot be counted according to the extant rules. Therefore, prima facie, we find nothing wrong with the impugned Annexure A9 order. Therefore, we do not find any ground to entertain this Original Application as there is no valid cause of action.

4. In the light of what is stated above, the Original Application is rejected under Section 19(3) of the Administrative Tribunals Act, 1985. However, we make it clear that the rejection of this Original Application would not stand

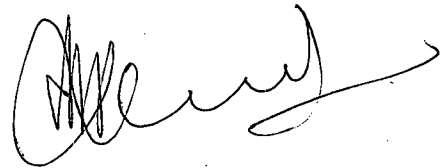
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in the way of the 1st respondent considering any request made by the applicant and in making payment as mentioned in the impugned order.

Wednesday, this the 5th day of February, 2003



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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