

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 114 of 1995

Wednesday, this the 28th day of February, 1996

CORAM:

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

P.T. Ramachandran,
Group 'D'
Office of the Assistant Director
of Income Tax (Investigation),
P.K. Complex, Calicut-32 .. Applicant

By Advocate Mr. P.S. Nandanam

Versus

1. Union of India represented by
its Secretary,
Ministry of Finance, New Delhi.
2. The Under Secretary to the
Government of India,
Ministry of Finance,
Department of Revenue, Central Board of
Direct Taxes, New Delhi.
3. The Chairman, Central Board of
Direct Taxes, Ministry of Finance,
New Delhi.
4. The Chief Commissioner of
Income Tax, C.R. Building,
I.S. Press Road, Kochi-18 .. Respondents

By Advocate Mr. PR Ramachandra Menon, ACGSC

The application having been heard on 28th February, 1996,
the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN:

Applicant, who falls short of 10 years qualifying service for pension by a matter of days, seeks a declaration that he is entitled to get minimum pension. Though qualifying service for pension is ten years, for a fact, applicant had been in the service of respondent department for 41 years. 32 years of that service is not qualifying service. The position is that a person with 42 years of service, in a broad sense, is not

considered to have 10 years of qualifying service for pension.

2. Perhaps to do justice in such cases, Rule 88 of the CCS (Pension) Rules, 1972 has been visualised. It is brought to our notice that in organisations like the Railways, where an employee has put in long years of casual service, but not regular qualifying service for pension, he is allowed to count half of his casual service for pension.

3. In the light of these and in the light of the humane situation revealed in the case, it is for the competent authority to consider the request of applicant under Rule 88 of the CCS (Pension) Rules, 1972. Applicant may make a suitable representation before 4th respondent within one month from today, and we have no doubt that 4th respondent will consider the same as sympathetically as possible, with reference to Rule 88 aforesaid.

4. We dispose of the application as aforesaid. Parties will suffer their costs.

Dated the 28th February, 1996


P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

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