

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.151 of 2013

Tuesday this the 5th day of August 2014

C O R A M :

HON'BLE Mr.B.V.RAO, JUDICIAL MEMBER

K.N.Rajan,
Postman (Retired),
Vikas Bhavan P.O.
Residing at Sony Bhavan,
Mithirmala P.O. - 695 610.

...Applicant

(By Advocate Mr.Vishnu S Chempazhanthiyil)

V e r s u s

1. The Superintendent of Post Offices,
Thiruvananthapuram North Division,
Thiruvananthapuram – 695 001.
2. Chief Postmaster General,
Kerala Circle, Thiruvananthapuram – 695 001.
3. Union of India,
represented by its Secretary and Director General,
Department of Posts, Ministry of Communications,
New Delhi – 110 001.

...Respondents

(By Advocate Mr.Sunil Jacob Jose,SCGSC)

This application having been heard on 5th August 2014 the Tribunal on the same day delivered the following :-

O R D E R

HON'BLE Mr.B.V.RAO, JUDICIAL MEMBER

M.A.No.213/2013 filed by the applicant stands allowed by condoning the delay of 9 days in filing the OA.

2. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs :-

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1. Call for the records leading to the issue of Annexure A-10 and set aside Annexure A-10.
2. Declare that the applicant is legally entitled to have his service rendered as Extra Departmental Agent reckoned for the purpose of determining qualifying service for pension to make up the deficiency of a few months to complete 10 years in the post of Postman and is entitled to receive pension on his retirement from the cadre of Postman.
3. Directing the respondents to frame a Pension Scheme enabling the Extra Departmental Agents to receive pension on their retirement from Postman, reckoning their service rendered as Extra Departmental Agents for calculating the qualifying service for pension.
4. Directing the respondents to pass appropriate orders sanctioning pension to the applicant who retired from Postman cadre, reckoning the part of his service rendered as extra Departmental Agent to make up the deficiency of service for earning pension.
5. Directing the respondents to disburse arrears of pension which became due on retirement of the applicant from the post of Postman and continue to pay pension regularly.
6. Any other further relief or order as this Hon'ble Court may deem fit and proper to meet the ends of justice.
7. Award the cost of these proceedings.

3. The brief facts of the case according to the applicant is that he entered service as an Extra Departmental Agent on 4.2.1980 and after rendering 17 years of service he retired from service on 31.7.2006. He had rendered 8 years and 9 months of service as Postman. He further submitted that he was denied pension on the ground that he did not have minimum qualifying service for pension ie. 10 years. In fact, he has fallen short by 12 months as 9 years and 9 months would be taken as 10 years qualifying service. He further submitted that in pursuance of the Tribunal's order in OA No.192/2011 the applicant's representation was disposed of by the respondents authority by rejecting the claim of the applicant. Hence, he approached this Tribunal to ventilate his grievance.

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4. The respondents contested the matter by filing reply stating that the applicant who had retired from service as Postman was not granted pension as he did not possess the minimum qualifying service of 10 years stipulated in Rule 49 (1) of CCS (Pension) Rules, 1972. In compliance with the directions of this Tribunal in OA No.192/2011, the 3rd respondent considered the representation of the applicant and disposed of the same vide order dated 27.1.2012. The respondents further contends that as per Rule 50 of CCS (Pension) Rules he is also eligible for retirement gratuity equal to one fourth of his emoluments for each completed six monthly period of qualifying service subject to a maximum of 16 ½ times the emoluments. The respondents further submitted that this Hon'ble Tribunal dismissed OA No.1191/2012 by order dated 18th March 2014 wherein a similar issue was involved. While dismissing the OA No.1191/2012 this Tribunal held as follows :-

“4. When the case came up for consideration, the learned counsel for the respondents placed on record the judgment in **Dhyan Singh vs. State of Haryana & Others**, in which the Hon'ble Supreme Court of India while considering a similar issue held that the period for which an employee rendered service under a scheme which is not part of a formal cadre of service of the Government, cannot be counted for the purpose of pensionary benefits. After perusing the material on record and more particularly the orders of the Apex Court, we hold that the claim of the applicant has no legal validity and that the previous service of the applicant as Extra Departmental Agent cannot be taken into consideration for the purpose of computing his pensionary benefits. In view of the settled position, the O.A is liable to be dismissed. Accordingly, the O.A is dismissed with no order as to costs.”

5. Having considered the submissions of both the counsel and after perusal of the order dated 18th March 2014 in OA No.1191/2012, I am of the considered view that the same is squarely applicable to the present

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case on hand. Having considered the rules on the subject and by following the order and judgment in OA No.1191/2012, I hold that the applicant is not entitled to get the relief and accordingly the OA is dismissed. There shall be no order as to costs.

(Dated this the 5th day of August 2014)


B.V.RAO
JUDICIAL MEMBER

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