

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.183/2000

Monday, this the 21st day of February, 2000.

CORAM:

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

HON'BLE MR J.L.NEGI, ADMINISTRATIVE MEMBER

T.V.Sugadasan,
S/o T.V.Velappan,
Thottipulli House,
Edathuruthi West,
(Ex-Turner 'B'
Machine Tool Prototype Factory,
Ambarnath,
Maharashtra).

- Applicant

By Advocate Mr TC Govindaswamy

Vs

1. Union of India represented by
the Secretary to the Government of India,
Ministry of Defence,
New Delhi.
2. Director General of Ordnance Factories,
Ministry of Defence,
Calcutta.
3. The General Manager,
Machine Tool Phototype Factory,
Ambarnath,
Maharashtra.

- Respondents

By Advocate Mr M.Rajendra Kumar, ACGSC

The application having been heard on 21.2.2000, the Tribunal on
the same day delivered the following:

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O R D E R

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

The applicant who joined the service of the respondents on 14.10.60 and resigned from service on 19.4.76 made a representation on 15.11.99 claiming pension on the ground that there has been some decisions of the Tribunal to the effect that the persons who resigned from service are also entitled to pension. His representation was rejected by the impugned order A3 dated 23.12.99 on the ground that the applicant who resigned from service is not entitled to any pension at all. Therefore, the applicant has filed this application seeking to have the impugned order set aside and for a declaration that he is entitled to be treated as retired from service and for a direction to the respondents to disburse to the applicant the pension due to him.

2. We have heard the learned counsel for the applicant as also Shri N.Rajendra Kumar,ACGSC for respondents.

3. The applicant who resigned from service as early as on 19.4.76 did not raise any claim regarding the pension for two decades. The claim now made is hopelessly barred by limitation. Further, there is no provision for pension in the CCS(Pension) Rules which enables an employee who has rendered

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15 years of service to claim pension on his resignation. The ruling of the Lucknow Bench of the Tribunal in O.A.353/94 does not seem to be in accordance with the provisions to the CCS(Pension) Rules and therefore, can be treated as rendered per incuriam.

4. Application is dismissed. No costs.

Dated, the 21st of February, 2000.

J.L.NEGI
ADMINISTRATIVE MEMBER

A.V.HARIDASAN
VICE CHAIRMAN

trs

Annexure A3: A true copy of the letter bearing No. 5576/C/LB dated 23.12.99 issued by the 3rd respondent.