

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.227/2003

Dated Friday this the 21st day of March, 2003.

C O R A M

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

N.Thulaseedharan Nair
S/o P. Narayana Pillai
Residing at TC 15/1561,
M.P.Appan Nagar
8, Vazhuthakkad, Thaikkad P.O.
Thiruvananthapuram.

Applicant

(By Advocate Mr. M.R. Rajendran Nair)

Versus

1. The Union of India represented by
The Secretary to Government
Ministry of Information and Broadcasting
Government of India
New Delhi.
2. Minister of Information and
Broadcasting
Government of India
New Delhi.

Respondents.

(By Mr. C. Rajendran, SCGSC)

The application having been heard on 21st day of March, 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 joined in the Directorate of Field Publicity, Government of India on 18.9.1967 had resigned from service on 20.9.1979. He was not given any pension. Coming to know that the Lucknow Bench of the Central Administrative Tribunal in OA No.353/1994 filed by Om Prakash Singh Maurya, who had resigned from service after putting a service of 14 years, 4 months and 28 days, held that the applicant in that case was entitled to pension, the applicant submitted a representation seeking pension for his service rendered under the respondents. The request was turned down by the impugned order Annexure A1 dated 23.9.2002 informing him that a person who resigned is not

entitled to pension in terms of the provisions of Central Civil Services(Pension) Rules, 1972. Therefore the applicant has filed this application seeking to challenge the above order and for a direction to the respondents to grant him pension reckoning 12 years of service w.e.f. 20.9.1979 along with arrears with interest @ 18% per annum.

2. We have perused the application and have heard Shri Hariraj, the learned counsel for the applicant and Shri C. Rajendran, SCGSC, the learned counsel for the respondents.

3. The applicant obviously had resigned from service unilaterally and was not retired voluntarily putting 12 years of service. There is no provision under Central Civil Services(Pension) Rules, 1972 to grant pension to a Government servant who resigns from service. A person who quit service on voluntary retirement would be eligible for pension only if he has put in 20 years of service. As per Rules resignation entails forfeiture of past service. Since the applicant has resigned after 12 years of service, he has no right to any pension. The ruling of the Lucknow Bench of the Tribunal appears to have been rendered per incuriam. The matter is covered by the ruling of the Apex Court in Union of India Vs Rakesh Kumar - 2001 SCC L&S 707.

4. In the light of what is stated above, we find no subsisting grievance of the applicant which calls for admission of this application.

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5. Hence the OA is rejected under Section 19(3) of the
Administrative Tribunals Act, 1985. No costs.

Dated 21st March, 2003.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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