

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 233/2001

Monday, this the 11th day of November, 2002.

CORAM :

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

V.V. Balakrishnan
(Retired Group D, Thalassery P.O.),
Ajith Nivas, Chirakkara,
Thalassery-4. ... Applicant

(By Advocate Mr. P.K. Madhusoodhanan)

Vs

1. The Superintendent of Post Offices,
Thalassery Division,
Thalassery.
2. The Post Master General,
Kozhikode Circle,
Kozhikode.
3. Union of India rep. by its
Secretary to Telecommunication Deptt.,
Department of Posts/India,
New Delhi. ... Respondents

(Mrs. Rajeshwari A., ACGSC)

The application having been heard on 11.11.2002, the Tribunal on the same day delivered the following :

ORDER

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

The applicant, who was working as ED Mail Carrier from the year 1955, passed the qualifying examination for appointment to Group D post in the year 1968. However, his appointment was regularised only w.e.f. 27.5.1975 in spite of existence of vacancies in Group D post in the year 1969. In the gradation list of Group D officials, finding that one K.A. Aboobacker, junior to the applicant was placed above him, the applicant has filed OA No.841/93, which was closed as infructuous reserving the right of the applicant to represent against the revised gradation list. Thereafter, Annexure A2 Gradation List of Group D officials were issued as on 1.7.1996, in which the applicant was

placed at S1. No.4 while his junior K.A. Aboobacker was placed at S1. No.5 in the lower grade. The applicant thereafter retired on superannuation on 31.8.1999. However, finding that he was given pension only for 25 years of regular service, he made representation dated 24.7.2000 Annexure A3 requesting that he be given full pension giving him regularisation of service with effect from the date of regular appointment of his junior.

2. In reply to his representation, Annexure A4 order dated 15.10.2000 was issued stating that OA 841/93 filed by the applicant was rejected and no further action was called for on his representation as there was no anomaly. Aggrieved by this, the applicant has filed this application seeking to set aside Annexure A4 and direct the respondents 1 and 2 to advance the regularisation of the service of the applicant in Group D post to the date of regularisation of his immediate junior so as to enable him to count the same for his pensionary benefits and grant him full pension and its arrears.

3. The respondents resisted the claim of the applicant by filing a reply statement in which it was contended that there was no legitimate grievance of the applicant which calls for redressal and that the pension was granted to him taking into account the regular service w.e.f. 27.5.1975 and the applicant's seniority was fixed correctly in A2 and his claim for full pension is unsustainable.

4. We have heard the learned counsel on either side and perused the pleadings and material placed on record.

5. We do not find any basis for the claim of the applicant for full pension counting the service in excess of the actual service rendered by him. The qualifying service for pension is

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computed by taking into account the actual date of regular entry into service. The applicant's date of entry in regular service is 27.5.1975. The claim of the applicant for reckoning his service w.e.f. the date of regular service of his junior is unsustainable because what is reckoned as qualifying service is the length of service after regular appointment. Even otherwise, on perusal of the gradation list A2, the date of entry of his junior is shown as 1.2.1983, which is long after the date of entry of the applicant i.e. 27.5.1975.

6. The application therefore is misconceived and without any merit. Hence the application is dismissed without any order as to costs.

Dated the 11th November, 2002.



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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APPENDIX

Applicant's Annexures:

1. A-1: True copy of the final order dated 2.3.94 in OA 841/93 of this Hon'ble Tribunal.
2. A-2: The relevant extract of the revised gradation list of group D, Thalassery Division.
3. A-3: True copy of the representation dated 24.7.2000 made by the applicant to the 2nd respondent.
4. A-4: True copy of the Order No.B2/Misc. dated 15.10.2000 issued by the 1st respondent to the applicant.

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