

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.371/94

Wednesday, this the 4th day of January, 1995.

C O R A M

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR SP BISWAS, ADMINISTRATIVE MEMBER
....

1. Space Association for Government Undertaking
Returnees (SAGUR), Thiruvananthapuram,
represented by its President,
Shri M Sivaswamy Nadar, Thiruvananthapuram--22.
2. M Sivaswamy Nadar, Engineer,
IPD/VSSC, Thiruvananthapuram--695 022.

....Applicants

By Advocate Shri Nandakumara Menon.

vs.

1. The Secretary, Department of Space,
Government of India, Bangalore--94.
2. Indian Space Research Organisation (ISRO),
represented by its Chairman,
New BEL Road, Bangalore--94.
3. Union of India represented by the Ministry of
Personnel and Public Grievances and Pensions,
Department of Pension and Pensioners Welfare,
Nirvachan Sadan, Asoka Road, New Delhi--110 001.

....Respondents

By Advocate Shri CN Radhakrishnan.

O R D E R

CHETTUR SANKARAN NAIR (J), VICE CHAIRMAN

An association representing 102 officials who were formerly employed in different public sector undertakings, and who are currently employed by the Department of Space, seek a declaration that their past services in the public sector undertakings are liable to be counted as qualifying service for pension. They submit that similarly situated officials have been given the benefit of such service as qualifying service. It is their further case that if they are denied this benefit, their best years of life will go without

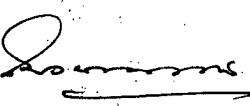
contd.

pensionary benefits. Shri Nandakumara Menon appearing for applicants argued the matter at great length, attempting to make a case of dissimilar treatment to similarly situated employees. However, the factual basis for the contention is lacking.

2. We do not have the service particulars of the 102 applicants nor do we have the service particulars of those who are said to have been given the benefit. Even if we have both, we have our own reservation whether it is for us to make a fact adjudication. Notwithstanding the earlier order of this Tribunal in OA 668/90 permitting applicants to make representations, and notwithstanding the rejection of such representations by A8, we are of opinion that individual cases can be adjudicated only on their facts by the departmental authorities. If the aggrieved officials are so advised, they may make representations setting out the full facts of their case and the facts of comparable cases before the third respondent. Third respondent will examine each case on its merits and pass appropriate orders. If persons similarly situated, in the true sense, have been given certain benefits, we are sure that such benefits will be extended to applicants. We would, however, make it clear that we are not expressing any opinion on the question of similarity. Third respondent will be free to take a decision on the merits of each case. If representations are made, final decision will be taken thereon within six months of the date of receipt of the representations.

3. Application is disposed of as aforesaid. No costs.

Dated the 4th January, 1995.


S.P. BISWAS
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN

List of annexure

Annexure A-8 : Photostat copy of the Circular (Sl.No.51/92) dt. 17.10.92 issued by the VSSC, No.VSSC/PGA/CDS/11.