

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 378/99

Tuesday the 6th day of July 1999,

CORAM

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR B.N.BAHADUR, ADMINISTRATIVE MEMBER

A.M.Mary
Kalarithata House
Elamakkara P.O.
Kochi - 682 026.

...Applicant

(By advocate Mr K.K.Balakrishnan)

Versus

1. Union of India represented by its
Secretary, Ministry of Communications
New Delhi.
2. Principal General Manager
Telecommunications, Ernakulam
Kochi-31.

...Respondents.

(By advocate Mr R.Madanan Pillai, ACGSC)

The application having been heard on 6th July 1999,
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 commenced his service as a part-time employee in the Telephone Exchange Kochi on 21.1.1977 was appointed on a Group-D post with effect from 30.12.90. She retired on superannuation on 31.8.98. She made a representation that her part-time service should be reckoned as qualifying service for pension. However, the second respondent granted to the applicant only the retirement gratuity and no pension. The claim of the applicant is that 50% of the part-time service of the applicant from 21.1.77 to 31.8.98 may be counted as qualifying service for pension and to re-fix the gratuity and other retirement benefits of the applicant accordingly.

2. The respondents contest the claim of the applicant on the ground that the applicant having rendered only 9 years 8 months and 2 days regular service and as the part-time service is not to be counted for computing the qualifying

service for pension, the claim of the applicant is unsustainable.

3. We have heard the learned counsel on either side. The learned counsel of the applicant fairly conceded that he is not in a position to place any rule or instruction which requires counting any part of the part-time service as qualifying service for pension but he relied on a ruling of the Ernakulam Bench of the Central Administrative Tribunal in T.Govindan Kutty Nair Vs. Senior Supdt. of Post Offices wherein it was held that in regard to grant of benefit of temporary status, there was no difference between a part-time casual labour and full-time casual labour. The reliance placed on the ruling is absolutely misplaced in view of the decision of the Apex Court in Secretary, Ministry of Communication & Others Vs. Sakkubai and another reported in 1998 SCC (L&S) 119 wherein it was held that a part-time casual labour is not entitled to the benefit of temporary status and regularisation. As the applicant did not have 10 years of regular service, the action on the part of the respondents in granting only the gratuity and no regular pension cannot be faulted. In the result, the application fails and is dismissed, leaving the parties to bear their own costs.

Dated 6th July 1999.

B.N.Bahadur

B.N.BAHADUR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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