

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 395 of 2000

Thursday, this the 13th day of April, 2000

CORAM

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

1. K. Narayana Pillai,
Njaramoottil House,
Momalam Kunnu, Punalur
(formerly working as Telegraphman,
O/o. the C.T.O., Punalur) ..Applicant

By Advocate Mr. N.N. Sugunapalan

Versus

1. Chief General Manager,
Telecommunications,
Kerala Circle, Trivandrum.
2. General Manager,
Telecommunications,
Kollam District.
3. Union of India represented by
the Secretary,
Ministry of Communications, New Delhi. ..Respondents

By Advocate Mr. N. Anil Kumar, ACGSC

The application having been heard on 13th April, 2000,
the Tribunal on the same day delivered the following:

O R D E R

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The applicant, who commenced service of the Telecommunication Department as Extra Departmental Messenger on 1-12-1966, was transferred to the Telegraph Department on 17-3-1988. The applicant was thereafter engaged as a casual Mazdoor. He was later appointed as a Group 'D' employee and was regularised on a Group 'D' post with effect from 17-6-1994. He retired on superannuation on 30-11-1997. On superannuation the applicant was paid only service gratuity, but no pension. Seeing that even after 31 years of service the applicant had to retire without any pension, the applicant made representations A4 to A6 before respondents 1 and 2, but without response. Therefore, the applicant has filed this application for a writ

of mandamus or any other appropriate writ, order or direction directing the respondents 1 and 2 to disburse the pension reckoning the entire 31 years of service or for a direction to the respondents 1 and 2 to consider the representations A4 to A6 made by the applicant.

2. I have gone through the application with meticulous care. Till the year 1988 the applicant was an Extra Departmental Agent. Thereafter, the applicant was a casual Mazdoor, but was absorbed on a Group 'D' post only on 17-6-1994. When he retired from service, he had a regular service as Group 'D' employee for a period of three years and a few months. Assuming for argument sake that the applicant was having temporary status as casual Mazdoor from the year 1988 onwards, if half the casual services after 17-3-1988 till 17-6-1994 is also added to the regular service, even then the applicant would not have the required length of service to be eligible for pension. The period of service rendered as Extra Departmental Agent cannot be reckoned as qualifying service for pension. Therefore, there is absolutely no legitimate basis for the claim of the applicant that he is entitled to pension.

3. Since the applicant does not have a legitimate cause of action, the application is rejected under Section 19(3) of the Administrative Tribunals Act, 1985. No costs.

Thursday, this the 13th day of April, 2000


A.V. HARIDASAN

VICE CHAIRMAN

ak.

List of Annexures referred to in the Order:

1. A4 - True copy of the representation dated 28-10-1998 submitted by the applicant to the 2nd respondent.
2. A5 - True copy of the representation dated 8-9-1999 submitted by the applicant to the 1st respondent.
3. A6 - True copy of the representation dated 10-10-1999 submitted by the applicant to the Hon'ble Minister for Telecommunication, Govt. of India, New Delhi.