

CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH
LUCKNOW.

Original Application No.189/90(L).

Today, the 24th day of January, 1995.

HON'BLE MR. JUSTICE B.C. SAKSENA, VICE-CHAIRMAN.
HON'BLE MR. V. K. SETH, MEMBER (ADMINISTRATIVE)

P.C. Goel,
aged about 63 years,
son of Shri R.C. Goel,
resident of Bhardwaj
Colony, Nr. Rly. Crossing,
(Roadways) Shahjahanpur.

::: Applicant

BY ADVOCATE SHRI A. MOIN

Vs.

1. Union of India
through Secretary,
Personnel & Administrative
Reforms (Ministry of
Home Affairs),
New Delhi.
2. The Chairman,
Railway Board,
New Delhi.
3. The General Manager,
Northern Railways,
Baroda House,
New Delhi.
4. The Divisional Manager,
Northern Railways,
Moradabad, U.P.

::: Respondents.

BY ADVOCATE SHRI B.K. SHUKLA.

O R D E R (Oral).

JUSTICE B.C. SAKSENA, VICE-CHAIRMAN.

We have heard Shri A. Moin, Advocate, brief-holder of Shri Sanjay Srivastava, learned counsel for the applicant, and Shri B.K. Shukla, learned counsel for the respondents. The applicant, through this O.A., has challenged the validity of a letter dated 31-3-1982 issued by the Ministry of Home Affairs to the Secretaries to the Government of all the States. The said letter provides that in consultation with

State Government it has been decided that proportionate pensionary liability in respect of the temporary service rendered under the Central Government and State Government to the extent such service would have qualified for grant of pension under the rules of respective Government will be shared by the Governments concerned on the service share basis. The applicant, prior to his service in Northern Railway, has worked during the period 1-6-46 to 1-6-56 under the Executive Engineer, Public Works Department (U.P.). In the Counter Affidavit it has been indicated that the service rendered by the applicant in U.P.P.W.D. was against a work charge post and the same, under the rules of the State Government, did not qualify for pensionary benefits. In paragraph 4.4. of the C.A. reliance has been made on letter dated 26-5-88 issued by Executive Engineer, P.W.D., Bareilly, bringing out this position. In the R.A. this averment has not been controverted by the applicant. That being so, since the period of service rendered by the applicant in the U.P. P.W.D. was in a non-pensionary establishment and did not qualify for pension, the said period has rightly not been counted for the purpose of grant of pensionary benefits. As far as the challenge to the provision restricting the period to be counted, if it was admissible for pensionary benefits on the ground of being violative of Articles 14 & 16 of the Constitution, we find that the said contention is wholly untenable. The provisions of the letter are uniformly applicable to all concerned. No case of discrimination is made out and the challenge to the order fails. No other point has been raised. The O.A. is dismissed summarily. In the facts and circumstances of the case there will be no order as to costs.

MEMBER(A)

B. Chakraverty
VICE-CHAIRMAN.

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