

Central Administrative Tribunal Lucknow Bench Lucknow

Original Application No 409 of 2010

This, the 24th day of October, 2013.

HON'BLE SHRI NAVNEET KUMAR MEMBER (J)

Abdul Sattar aged about 63 years S/o Late Sri Sadulla Village Gavahia P.O. Kamlapur Distt. Sitapur Ex EDDA Damlapur Distt. Sitapur retired postman Sitapur Division.

Applicant

By Advocate Sri R. S. Gupta.

Versus

1. Union of India through the Secretary Department of Post, New Delhi.
2. Chief Postmaster General, U.P. Lucknow.
3. Superintendent of Post Offices, Sitapur.

Respondents

By Advocate Sri Anand Vikram.

**(RESERVED ON 10.10.2013)
ORDER**

By Hon'ble Sri Navneet Kumar, Member (J)

The present Original Application is preferred by the applicant under Section 19 of the AT Act ,1985 with the following reliefs:-

“(a) That this Hon'ble Tribunal may kindly be pleased to direct the Ops to sanction minimum pension to the applicant.

(b) Any other relief deemed just and proper in the circumstances of the case with cost of O.A. in favour of the applicant.”

2. The brief facts of the case are that the applicant who has joined as EDA in the respondents organization in the year 1968 was subsequently promoted to the cadre of Postman in Sitapur Division w.e.f. 15.4.1999 and retired on 31.12.2007 on attaining the age of superannuation i.e. 60 years. The learned counsel for the applicant has pointed out that though the applicant has served in the EDA cadre for a period of 30 years, but since he has joined as a Postman in Sitapur Division on 15.4.1999 and retired on 31.12.2007 as such, he has completed 8 years 8 months and 15 days. Therefore, he is denied the benefit of retiral dues for which he has made the representation as well. Feeling aggrieved by in action of the respondents, the applicant preferred the present O.A.

3. The learned counsel appearing on behalf of the respondents have filed their reply and through reply, it was pointed out that the qualifying service of the applicant is only 8 years 8 months and 14 days and as per the CCS (Pension) Rules 1972, the minimum 10 years is required for the entitlement of the pension. Apart from this, it is also pointed by the learned counsel for the respondents that the applicant has been paid retiral dues such as gratuity, leave encashment and other admissible dues. Apart from this, it is also pointed out that as the applicant does not has the qualifying service for pension, as per Rule 49 read with Rule 14 of the CCS(Pension) Rules, 1972, and there is no provision for considering the pension if the period is less than 10 years as such, the applicant is not entitled for the benefit of the pension and pensionary benefits.

4. Learned counsel appearing on behalf of the applicant has filed the rejoinder and through rejoinder, the contents of the O.A. are reiterated.

5. Heard the learned counsel for the parties and perused the record.

6. Admittedly, the applicant was in the respondents organization joined the services of the respondents as EDA in 1968 and was promoted in the cadre of Postman w.e.f. 15.4.1999 and superannuated on 31.12.2007. As such, the applicant has completed less than 9 years of service for pension. As such, the averments of the respondents cannot be disputed to the extent that the applicant is entitled for pension due to service being less than 10 years as per CCS (Pension) Rules 1972. The learned counsel has also relied upon the decision of the Chennai Bench of this Tribunal, the Tribunal has quashed the order of rejection and directed the respondents to consider the case of the applicant in a proper perspective and formulated a scheme. No such scheme is on record. But in this case, the services rendered by the applicant is 8 years, 8 months, and 14 days. The Rule 49 of the CCS (Pension) Rules 1972 clearly provides for calculating the amount of pension. As the applicant has not completed 10 years of service, as such, he is not entitled for pension due to his service under the

aforesaid rules. There is no provision which provides relaxation in counting the service rendered.

7. Considering the aforesaid submissions made by the parties, I do not find any reason to interfere in the present O.A. Accordingly, the O.A. is dismissed. No order as to costs.


(**Navneet Kumar**)
Member (J)

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