

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH MUMBAI

ORIGINAL APPLICATION NO: 758.2000

DATE OF DECISION: 28.1.2002

Shri P.M. Shinde Applicant.

Advocate for
Applicant.

Verses

Union of India and others Respondents.

Shri R.R. Shetty for Shri R.K. Shetty Advocate for
Respondents

CORAM

Hon'ble Shri S.L. Jain Member (J)

Hon'ble Smt. Shanta Shastri, Member (A)

(1) To be referred to the Reporter or not? *yes*

(2) Whether it needs to be circulated to *no*
other Benches of the Tribunal?

(3) Library. *yes*

S.L. Jain
(S.L. Jain)
Member (J)

NS

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO: 758/2000

MONDAY the 28th day of JANUARY

CORAM: Hon'ble Shri S.L.Jain, Member (J)

Hon'ble Smt. Shanta Shastri, Member (A)

P.M. Shinde
Plot 31/8 Pratiknagar
Yerwada Pune.

...Applicant

V/s

1. Union of India through
The Secretary,
Ministry of Defence
Nirman Bhavan, New Delhi.
2. The Chief Controller of
Defence Accounts
(Pension) Allahabad U.P.
3. The Joint Controller of
Defence (Accounts
Research & Development)
Pashan, Pune.
4. The Accounts Officer
For Director ARDE
Pashan, Pune.
5. Senior Administrative
Officer (I),
For Director
Armament Research And
Development
Establishment, Pashan, Pune.

...Respondents

By Advocate Shri R.R. Shetty for Shri R.K. Shetty.

ORDER(ORAL)

{Per S.L.Jain, Member (J)}

This is an application under Section 19 of the
Administrative Tribunals Act 1985 seeking the relief that the
applicant is entitled to, pension on his re-employment as an

By -

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ex-serviceman for his service of 12 years and 3 months with a direction to the respondents to pay pension from the date of retirement with arrears and interest at the rate of 18% per annum.

2. None appeared on behalf of the applicant, as such we have decided to proceed with the case under Rule 15 of the CAT Procedure Rules 1987.

3. The applicant was recruited in Indian Air Force on 13.7.1965 and discharged on 31.7.1983 after completion of normal term of engagement after earning pension from Indian Air Force.

4. Thereafter, the applicant was re-employed as a tech sup with Armament Research and Development Establishment under Government of India with effect from 8.11.1983, submitted his resignation on 25.1.1996 which was accepted with effect from 29.2.1996. The grievance of the applicant is that with effect from 8.11.1983 till 29.2.1996 the period of 12 years and 3 months, the pension was not granted to him. *? respondent*

5. The learned counsel for the *[redacted]* relied on 2001 SCC (L&S) 707 Union of India others V/s Rakesh Kumar with Civil Appeal No. 2121/2000 and 2491-92/2001 decided on 30.3.2001. Perusal of para 16 of the said judgement makes it clear that a person who is having qualifying service of 10 years is not entitled to pensionary benefits. Similar view, following the said authority was taken by this Bench in OA 578/2000, OA 577/2000 and OA 1176/2000 decided on 20.11.2000 by CAT Ernakulam Bench. *P. M. -*

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6. In view of the judgement of the Apex Court and the earlier Division Bench case the OA has no merit, it is liable to be dismissed and is dismissed accordingly with no order as to costs.

Shanti
(Smt. Shanta Shastri)
Member (A)

S.L. Jain
(S.L. Jain)
Member (J)

NS

dt: 28.1.2002
order/judgment despatched
to Applicant/Respondent (s)
on 15.2.2002

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