

(S)

CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

**BOMBAY BENCH**

O.A. No. 714/91 198  
~~Ex. No. 1000~~

DATE OF DECISION 10-4-1992

T. Ramakrishna Rao Petitioner

Mr. M S Ramamurthi Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

\_\_\_\_\_  
Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. Justice U C Srivastava, Vice Chairman

The Hon'ble Ms. USHA SAVARA, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement? *N*
2. To be referred to the Reporter or not? *N*
3. Whether their Lordships wish to see the fair copy of the Judgement? *N*
4. Whether it needs to be circulated to other Benches of the Tribunal? *N*

MGIPRRND-12 CAT/86-3-12-86-15,000



VICE CHAIRMAN

(6)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
BOMBAY BENCH, "GULESTAN" BUILDING NO. 6  
PRESCOT ROAD, BOMBAY-1

O.A. NO. 714/91

T. Ramakrishna Rao  
Retd. Central Govt. Advocate  
Bombay residing at F-2 Hyderabad Estate  
Nepeansea Road; Bombay 400036

..Applicant

V/s.

1. Union of India through  
Secretary, Ministry of Personnel,  
Public Grievances and Pension, Department  
of Personnel and Training; Room No.112  
Government of India  
North Block  
New Delhi 110001.
2. Secretary  
Ministry of Law & Justice  
Department of Legal Affairs  
Govt. of India; Shastri Bhavan  
New Delhi 110001
3. Joint Secretary  
Ministry of Law  
Ayakkar Bhavan Annexe  
Bombay 400020

..Respondents

Coram: Hon. Shri Justice U C Srivastava, V.C.  
Hon. Ms. Usha Savara, Member (A).

Appearance:

Mr. M S Ramamurthi  
Advocate  
for the applicant

Ms. Jagtiani  
Accountant from the  
office of Respondent No.3

ORAL JUDGMENT

DATED: 10-4-1992

(PER: U C Srivastava, Vice Chairman)

The applicant who was appointed as  
Central Government Advocate, a Central Civil Service  
Group 'A' post, joined his post at Bombay on 11.5.1981,  
by means of this application is challenging the orders  
of Government conveyed vide letters dated 5.6.90;  
21.3.91 and 10.6.91. The offer of appointment was  
given on 9.2.81 to the applicant which was accepted

W/

7

by him on 14.2.1981. The appointment could take place after 3 months. By means of this application the applicant is praying that proviso (1) to Rule 30 of CCS(Pension) Rules is unconstitutional and be quashed; Rule 49(3) of CCS(Pension) Rules 1972 is illegal and be quashed; applicant be given added years of service as per Rule 30 of the CCS (Pension) Rules; applicant is entitled for joining time as Central Govt. Advocate at Bombay and the joining time be treated as service for pension; applicant is entitled to count his service for computing service for pension from 9.2.81; 14.2.81; 19.2.81 or 27.4.81 and he should be deemed to have retired from service with effect from 31.7.91 i.e., on the date which services came to an end as Consultant.

The powers of relaxation are provided under CCS (Pension) Rules 1972 in Rule 88, but in the ~~xx~~ case of applicant his representation was turned down without considering Rule 88 of the CCS (Pension) Rules notwithstanding the fact that the recommendation has been made by the Law Ministry.

The respondents have opposed the application by filing their written reply.

In view of the fact that Rule 88 was not taken into account while disposing the representation of the applicant, we direct the respondents to reconsider the representation made by the applicant and pass speaking order taking into consideration Rule 88 of CCS(Pension) Rules 1972. It would be open for the applicant to make

... 3/-

④

an elaborate representation on the representation already pending, within fifteen days from the receipt of a copy of this order. The respondents are directed to dispose of the representation within three months from the communication of this order. In the circumstances of the case, there would, however, be no order as to costs.

*J. Lawrence*  
10.4.92  
(Ms. USHA SAVARA )  
MEMBER (A)

*U C Srivastava*  
( U C SRIVASTAVA )  
VICE CHAIRMAN