

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. NO: 309/91 199
T.A. NO:

DATE OF DECISION 17.12.1992

B.S.SAMGISKAR Petitioner

V.K.PRADHAN Advocate for the Petitioners

Versus

UNION OF INDIA AND ORS. Respondent

J.G.SAJJAD Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. M.Y.PRIOLKAR, MEMBER (A)

The Hon'ble Mr. V.D.DESHMUKH, MEMBER (J)

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

mbm*


(M.Y.PRIOLKAR)
MA

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. NO: 809/91

Shri Balu Sojil Samgiskar,
Asstt. Craftsman, Regional Design,
and Technical Dev. Centre.

Residing at, Gulabchand Marwadi Compound
Aarey road,
Goregaon(East),
Bombay - 400 068

... Applicant

v/s

The Union of India
and others.

... Respondents

CORAM : HON'BLE SHRI M.Y.PRIOLKAR, MEMBER (A)

HON'BLE SHRI V.D.DESHMUKH, MEMBER (J)

Appearance :

Shri V.K.Pradhan,
Adv. for the applicant.

Shri J.G.Sawant, Adv.
for the respondents.

ORAL JUDGEMENT

17th DEC 1992

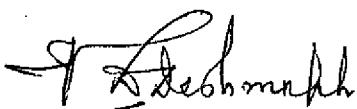
(PER : M.Y.PRIOLKAR, M/A)

The applicant in this case joined the service on daily wages from 2.8.1965, was regularised from 1.2.77 and retired on superannuation on 31.8.1985. The grievances of the applicant is that he has not been granted any pensionary benefits on the ground that he has not completed the minimum qualifying service for pension. Admittedly, under the pension rules, the entire service from the date of regularisation ~~one~~ and half of the service on casual basis will count for pension and the minimum ~~such~~ ^{required} qualifying service for pension was 20 years on the date of retirement of the applicant, i.e. on 31.8.1985.

2. The Learned counsel for the applicant argued that the minimum qualifying service for pension has been reduced with effect from 1.1.1986 from 20 years to 10 years and since the applicant had completed 10 years qualifying service on the date of his superannuation his case may be considered as a special case for grant of pensionary benefits.

3. The respondents in their written reply/stated that the applicant is not eligible for pension because he does not have minimum quantum of qualifying service and they have denied that the applicant has been arbitrarily discriminated in regard to the grant of pensionary benefits.

4. It is clear from the rules that at the time of retirement of the applicant on superannuation the prescribed qualifying service for the grant of pension was 20 years and it was only on the recommendations of Fourth Pay Commission it has been reduced to 10 years with effect from 1.1.1986. Evidently, only persons, who retired on or after 1.1.1986 will be entitled to the benefit of 10 years of qualifying service for earning pension. It is not possible for us to direct the respondents to relax the rules and to pay pension to the applicant inspite of his not fulfilling the requirement of minimum qualifying service only on compassionate grounds. Accordingly, this application is dismissed as devoid of merit. We would, however, like to suggest to the respondents, that in case the applicant submits any representation for waiving the shortfall in his qualifying service for the purpose of pension, they may consider it sympathetically keeping also in view the earlier precedents, if any, in this regard. This application is accordingly disposed of, with not order as to costs.


(V.D. DESHMUKH)
MJ


(M.Y. PRIOLKAR)
MA