

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Second Floor,  
Commercial Complex,  
Indiranagar,  
Bangalore-560038.

Dated: **24 SEP 1993**

APPLICATION NO(S) 121 of 1993.

APPLICANTS: B, Thimmaiah v/s. RESPONDENTS: Director, ADE, B'lore & Ors.

TO.

1. Dr.M.S.Nagaraja,  
Advocate, No.11,  
First Cross,  
Second Floor,  
Sujatha Complex,  
Gandhinagar,  
Bangalore-9.
2. Sri.M.S.Padmarajaiah,  
Central Govt. Sing. Counsel,  
High Court Building,  
Bangalore-1.
3. Director,  
Aeronautical Development Establishment,  
Research and Development Organisation,  
C.V.Raman Nagar, Bangalore-93.

Subject:- Forwarding of copies of the Order passed by  
the Central Administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the  
ORDER/STAY/INTERIM ORDER, passed by this Tribunal in the  
above said application(s) on 14th Sept '1993.

*Forwarded*  
*9*

*For* *R. J. S.* *24/9/93*  
DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE

DATED THIS DAY THE 14TH OF SEPTEMBER, 1993

Present; Hon'ble Justice Mr.P.K.Shyamsundar Vice Chairman  
Hon'ble Mr.V. Ramakrishnan Member (A)

APPLICATION NO.121/1993

Shri B. Thammaiah,  
86, B.M. Palya,  
New Thippasandra Post,  
Bangalore - 560 093

Applicant

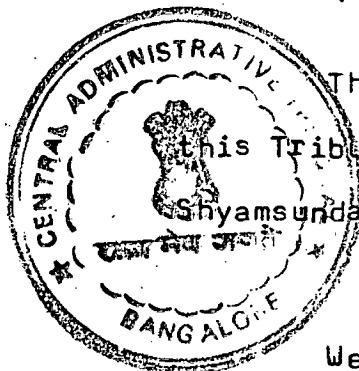
( Dr.M.S. Nagaraja - Advocate )

v.

1. The Director,  
Aeronautical Development Establishment,  
Research & Development Organisation,  
Ministry of Defence,  
Government of India,  
C.V. Ramanagar,  
Bangalore - 560 093
2. The Director General,  
Research & Development,  
Ministry of Defence,  
New Delhi
3. Union of India  
represented by the  
Secretary to Government,  
Ministry of Defence,  
New Delhi

Respondents

( Shri M.S. Padmarajaiah - Advocate )



This application has come up today before  
this Tribunal for admission. Hon'ble Justice Mr.P.K.  
Shyamsundar, Vice Chairman made the following:

ORDER

We have heard Dr.Nagaraja for the applicant  
and the learned Standing Counsel. We admit the same

but propose to dispose it off here and now by recording the following order;

2. The Government has turned down the prayer made by the applicant for counting the service rendered at the HAL for the purpose of his pension. The applicant belongs to the Aeronautical Development Establishment in the Defence Department. All that he wants is that the few years of service rendered by him outside the department when his services were placed at the disposal of the H.A.L. should be counted for the purpose of pension and other retiral benefits. To that effect, he made a representation which has since been turned down as per Annexure A-2

3. Dr. Nagaraja for the applicant asks us to vacate the impugned orders because he says that the services rendered by a regular Government servant outside his line has necessarily to be counted *while* computing his retiral benefits. This requirement, he says is spelt out in the CCS (Pension) Rules. We do not however propose to examine this question vis-a-vis the Pension Rules for the simple reason that the said applicant here will be continuing in service during the next 9/11 years. We think they are right now needlessly bothered as to what they would get from the Govt. after they retire. There is enough time for them to ~~reconsider~~ *ponder* over it and who knows the rules may themselves be ~~later~~ *later* amended and the benefit of past services rendered in a public-sector undertaking made admissible for pension etc.

4. Under the circumstances, it becomes clear that we should not interfere at this stage. We

therefore leave all the questions raised here open for consideration at a later stage, if need be. We make it clear if in case the applicant wishes to come <sup>over</sup> to the Tribunal after he retires, the orders impugned here <sup>will</sup> not stand in ~~their~~ <sup>his</sup>

With this observation, this application stands disposed off finally. No costs.



*Sd*  
MEMBER (A)

*Sd*  
VICE CHAIRMAN

TRUE COPY

*Dr. Devar S* 24/9/93  
SECTION OFFICER  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE