

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560 038.

Dated:- 7 JUL 1994

APPLICATION NUMBER:

960 of 1993.

APPLICANTS:

Sri. S. Annamalai vs. Branch Recruiting Officer,
M/o. Defence, Bombay & Other
To.

RESPONDENTS:

- ①. Sri. R. Hari Advocate,
No. 4, Cambridge Road,
1st Cross, Ulsoor, Bangalore-8.
- ②. The Senior Medical Officer (Rtg)
Headquarters Recruiting Zone,
Bangalore.
- ③. Sri. M. S. Padmajaiah,
Sr. C.G.S.C, High Court Bldg,
Bangalore-1
- ④. The Branch Recruiting Office,
Colaba, Bombay-5.

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

Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER, passed by this Tribunal in the above
mentioned application(s) on 23-06-94

Issued on
8/7/94

of

S. Shanmav 2/7
for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

and 12, the applicant was told that since he has
only 9 years, 11 months and 15 days of service



which could be taken as qualifying service, he was not entitled to payment of pension. This has been contested by the applicant in this application. Learned counsel for the applicant has drawn attention to sub-rule (3) of Rule 49 of the CCS(Pension) Rules, 1972 (Rules for short) which reads as follows:

"(3) In calculating the length of qualifying service fraction of a year equal to three months and above shall be treated as a completed one half-year and reckoned as qualifying service."

3. According to Swamy's Pension Compilation incorporating the aforesaid Rules (13th Edition 1993), the above provision seems to have been incorporated in the Rules by a substitution on 8th August, 1980. The period of three months referred to therein had originally been six months but it was substituted by three months by a notification of the Department of Personnel & Administrative Reforms dated the 26th August, 1983. This substitution took effect from the 28th of June, 1983.

4. Admittedly, the applicant has a clear qualifying service of 9 years, 11 months and 15 days. If sub-rule (3) of Rule 49 of the Rules is applied in the case, the pensioner gets a qualifying service of 10 years which is the minimum requirement for pension eligibility. In view of the foregoing, the contention of the respondents that the applicant cannot be given pension by virtue of his having only 9 years 11 months and 15 days of qualifying service is not tenable.

5. In the result this application succeeds and the letters at Annexures 9 and 12 in so far as they make out that the applicant is not entitled to pension are quashed. The respondents are directed to treat the qualifying service of the applicant as 10 years under sub-rule (3) of Rule 49 of the Rules and issue orders for payment of pension to which the applicant is entitled. The respondents are also directed to pay the amount due to the applicant by way of death-cum-retirement gratuity after deducting 20% of the amount so payable in terms of the Presidential order made on 1st April, 1987 (Annexure-8) with interest, if any, due thereon according to the Rules. Both these exercises should be completed and orders issued within a period of three months from the date of receipt of a copy of this order.

6. The application is disposed of accordingly and in the circumstances of the case, there is no order as to costs.

✓
Sd/-

(T.V. RAMANAN)
MEMBER (A)

TRUE COPY

S. Ravinder
SECTION OFFICER 2/7
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE



CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.960/1993

THURSDAY THIS THE TWENTY THIRD DAY OF JUNE, 1994

MR. T.V. RAMANAN

MEMBER(A)

Shri S. Annamalai
Civilian Motor Driver (Rtd),
Ramakrishnappa Road,
Cox Town,
Bangalore - 560 005

Applicant

(By Advocate Dr. M.S. Nagaraja)
and Shri R. Hari

v.

1. The Bench Recruiting Officer,
Colaba,
Bombay - 400 005

2. Secretary,
Government of India,
Ministry of Defence,
New Delhi

Respondents

(By learned Standing Counsel)
Shri M.S. Padmajaiah

ORDER

MR. T.V. RAMANAN, MEMBER(A)

Shri M.S. Padmajaiah, learned Senior
Central Government Standing Counsel files the
annexures to the reply already filed and serves
copies of the same on the other side.

2. Heard the learned counsel for the
applicant and the learned Senior Central Government
Standing Counsel. In this case, by Annexures 9
and 12, the applicant was told that since he has
only 9 years, 11 months and 15 days of service



which could be taken as qualifying service, he was not entitled to payment of pension. This has been contested by the applicant in this application. Learned counsel for the applicant has drawn attention to sub-rule (3) of Rule 49 of the CCS(Pension) Rules, 1972 (Rules for short) which reads as follows:

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