

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

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

Dated: 3 FEB 1995

APPLICATION NO: 1277 of 1994

APPLICANTS:- Sri.B.K.Jayaram, Mysore  
V/S.

RESPONDENTS:- The Director, Defence Food Research Laboratory,  
Mysore.

To.

1. Sri.Ravindranath Uttarkar,  
Advocate, No.126/2, Near Hotel Mayura,  
Srirampet, Mysore-570 001.
2. Sri.M.Vasudeva Rao, Addl.C.G.S.C.  
High Court Bldg, Bangalore-1.

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

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Please find enclosed herewith a copy of the ORDER/  
STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above  
mentioned application(s) on 24-01-1995.

Issued on  
3/2/95

*[Signature]*

9/c

*[Signature]*  
for DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO. 1277/1994

TUESDAY, THE TWENTY FOURTH DAY OF JANUARY, 1995

SHRI.V.RAMAKRISHNAN

...MEMBER (A)

SHRI.A.N.VUJJANARADHYA

...MEMBER (J)

1. Shri.B.K.Jayaram  
S/o Shri.Krishna Murthy Achar  
Aged about 48 years  
No.8, Post Office Road,  
Gokulam III Stage,  
MYSORE.

...Applicant

By Advocate Shri.Ravindranath Uttarkar

Versus

1. The Director  
Defence Food Research Laboratory  
Siddarthanagar  
MYSORE-570 011.

...Respondent

By Advocate Shri.M.V.Rao

O R D E R

Shri V.Ramakrishnan, Member (A)

We have heard both sides. The applicant has come up with a prayer that the order dated 20-10-92 as at Annexure A6 retiring him voluntarily from service with effect from 1-1-93 should be quashed. He had also sought a prayer that his son should be given compassionate appointment by treating his retirement as taking effect under rule 38 CCS (Pension) Rules instead of voluntarily retiring him under rule 48A of the CCS (Pension) Rules.

The applicant who was having some major ailments had brought the fact of his ailment to the notice of the



department on 18th November, 92. As directed by the department he ~~was~~ got himself examined by the Medical Board, which furnished a report on 25-9-92 as at Annexure A5. In this report the Medical Board had clearly said that there <sup>was</sup> ~~is~~ limitation of his movement on account of his spinal problem and that his long standing medical problem was not likely to be improved. On the basis of this report, the department issued an order that the applicant would be retiring voluntarily on medical grounds from service on 31-12-92. As it was a case of voluntary retirement he was also given the benefit of 5 years of weightage for the purpose of calculating his terminal and pensionary benefits. The applicant subsequently had sent a legal notice as at Annexure A10, where <sup>he</sup> ~~he~~ referred to Rule 38 of the CCS (Pension) Rules, <sup>Subsequently, he sent the same</sup> ~~and had~~ also asked for compassionate appointment for his son. The department had taken the line that as the retirement was done in terms of rule 48A CCS (Pension) Rules and not in terms of rule 38, the question of giving compassionate appointment to his son does not arise. They had also mentioned that he had been given weightage of 5 years of service as the retirement was taken to be voluntary retirement under rule 48 A and this benefit is not admissible under rule 38 and that he cannot get the benefit of weightage in service as also any benefit flowing from rule 38.

3. We find that the particular grievance of the applicant is that he should have been retired under rule 38 CCS (Pension) Rules. In such case according to the applicant his son would have been eligible for consideration for compassionate appointment. This position has not been clearly brought out in the representation and in the legal notice he had served on the department. Keeping in view the circumstances of the case,

we deem it appropriate to hold that the applicant should furnish a detailed representation highlighting his request that his retirement should be in terms of rule 38 of CCS(Pension) Rules rather than under rule 48A. He can also make a further request to consider his son for compassionate appointment. If he makes such a representation within one month from today, the department will dispose of the same within two months from the date of receipt of such representation.

4. With the above observation, the matter is finally disposed of. No costs.

Sd-

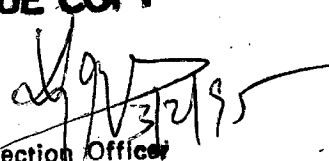
(A.N.VUJJANARADHYA)  
MEMBER (J)

Sd-

N' m/11  
(V.RAMAKRISHNAN)  
MEMBER (A)



**TRUE COPY**

  
Section Officer  
Central Administrative Tribunal  
Bangalore Bench  
Bangalore