

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.301/94

Date of Order: 27.4.94

BETWEEN :

G.Penchaliah

.. Applicant.

A N D

1. The Commanding Officer,
Sub-Area, Pune Headquarters,
Maharashtra.
2. The Commanding Officer,
Sub-Area, Ahmednagar,
Maharashtra.
3. The Controller of Defence
Accounts, Pension (Civilian),
Allahabad, U.P.

.. Respondents.

Counsel for the Applicant

.. Mr.K.L.N.Rao

Counsel for the Respondents

.. Mr.K.Bhaskara Rao

Ex. C.G.S.C.

CORAM:

HON'BLE SHRI A.B.GORTHI : MEMBER (ADMN.)

HON'BLE SHRI T.CHANDRASEKHARA REDDY : MEMBER (JUDL.)

Order of the Division Bench delivered by
Hon'ble Shri A.B.Gorthi, Member (Admn.).

The applicant, who was permitted to prematurely retire w.e.f. 1.2.88 under Rule 48 (A) of the Central Civil Services (Pension) Rules 1972, claims by means of this application for a direction to pay him pensionary benefits w.e.f. 1.2.88 together with 18% interest per annum and a compensation to the extent of Rs.50,000/-.

2. The applicant joined as Safaiwala at Station Headquarters, Sub-Area in Secunderabad. Subsequently he was transferred to AOC Centre, Secunderabad. After he had worked at AOC Centre for some time he was transferred to Station Headquarters, Ahmednagar. In 1987, the applicant thought that he completed 20 years of service because he initially joined service on 12.3.67. Consequently he sought premature retirement w.e.f. 1.2.88 under the belief that by that date he would have completed more than 20 years of qualifying service for pension. The authorities concerned at Headquarters Pune Sub-area also entertained the same belief and accordingly accepted the request of the applicant under Rule 48 (A) of the CGS (Pension) Rules 1962. After the applicant had thus been allowed to proceed on premature retirement, the C.D.A. (Pension) observed that the applicant having availed 2 years and 10 months of extra-ordinary leave during his service, did not complete 20 years qualifying service. Accordingly the C.D.A. (P) held that the applicant was not entitled to any pensionary benefits.

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3. We have heard learned counsel for both the parties at considerable length at the admission stage itself. Mr.K.Bhaskara Rao, learned ^{Standing} Counsel for the respondents has shown us Station Headquarters, Ahmednagar letter dated 2.4.1994 which substantially supports the facts stated in the preceding paragraph.

4. From the above it would be more than evident that the applicant was allowed to proceed on premature retirement on account of a mistaken impression entertained by all concerned, including the applicant himself, that he had completed 20 years of qualifying service for the purpose of pension. It was the bounden duty of the competent authority to have checked up from the service record of the applicant and verified the fact of completion or otherwise of the qualifying service of 20 years before allowing the applicant to proceed on premature retirement under Rule 48 (A) of the CCS (Pension) Rules 1962. Keeping in view the fact that the applicant served as a conservatory Safaiwala for a long period commencing from 1967, it would neither be fair nor just to deny him the benefit of pension. In these peculiar circumstances of the case and with a view to meet the ends of justice, we dispose of the application with the following directions:-

(a) The applicant shall report to Station Headquarters, Ahmednagar within one month from today.

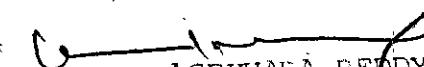
(b) The respondents shall take him back in service either in Station Headquarters, Ahmednagar itself or if there is no vacancy there, in any other Headquarters/Unit.

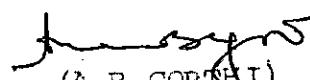
... 4 ...

(c) The applicant will not be entitled to pay and allowances for the period from 1.2.88 to the date of his rejoining duty under these orders.

(d) The past service rendered by the applicant prior to his proceeding on premature retirement shall count as qualifying service and will be added to the service rendered hereafter by the applicant, for the purpose of calculating his qualifying service for pension.

The application is thus disposed of at the admission stage itself with no order as to costs.


(T. CHANDRASEKHARA REDDY)
Member (Judl.)


(A.B. GORTI)
Member (Admn.)

Dated: 27th April, 1994

(Dictated in Open Court)

sd


T.N. Reddy
Deputy Registrar (Judl.)

1. The Commanding Officer, Sub-Area, Maharashtra.
2. The Commanding Officer, Sub-Area, Ahmednagar, Maharashtra.
3. The Controller of Defence Accounts, Pension (Civilian), Allahabad, U.P.
4. One copy to Sri. K.L.N. Rao, advocate, CAT, Hyd.
5. One copy to Sri. K. Bhaskara Rao, Addl. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

~~RUSH~~

Urgent

O.A. 301/94

T.B.

TYPED BY 225

COMPARED BY 165

CHECKED BY 225

APPROVED BY 165

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHI : MEMBER(AD)
AND

THE HON'BLE MR. T. C. CHANDRASEKHAR REDDY
MEMBER(JUDL)

AND

THE HON'BLE MR. R. RANGARAJAN : M(ADMN)

Dated: 22/5/1994

ORDER/JUDGMENT

M.A./R.A./C.A./No.

O.A. No.

in
301/94

T.A. No.

(w.p.)

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions

Dismissed.

Dismissed as withdrawn
HYDERABAD BENCH

Dismissed for Default. 18 MAY 1994

Rejected/Ordered.

RECEIVED

NO order as to costs.

TAPPAL SECTION

(Time limit case)

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(21)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

MA. No. 483/94.
in
D.A.No. 301/94.

Dt. of Decision : 21.7.94.

Mr. G. Penchaliyah

.. Applicant/
Applicant.

Vs

1. The Commanding Officer,
Sub-Area, Pune Headquarters,
Maharashtra.
2. The Commanding Officer,
Sub-Area, Ahmednagar,
Maharashtra.
3. The Controller of Defence
Accounts, Pension(Civilian),
Allahabad, U.P.

.. Respondents/
Respondents.

Counsel for the Applicant/
Applicant. : Mr. K.L.N. Rao

Counsel for the Respondents/
Respondents. : Mr. K.Bhaskar Rao ,
Addl.CGSC.

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

THE HON'BLE SHRI A.B. GORTHI : MEMBER (ADMN.)

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Copy to:-

1. The Commanding Officer, Sub Area, Pune Headquarters, Maharashtra.
2. The Commanding Officer, Sub-Area, Ahmednagar, Maharashtra.
3. The Controller of Defence Accounts, Pension (Civilian), Allahabad, U.P.
4. One copy to Sri. K.L.N. Rao, advocate, HIG, Block-6, Flat-8, Near Ambedkar College, Baghlingampally, Hyd-44.
5. One copy to Sri. K. Bhaskar Rao, Addl. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

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Pray 27/7/04

MA 483/94
in
OA 301/94.

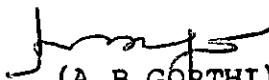
Dt. of Order: 21-7-94.

(Order of the Divn. Bench passed by Hon'ble
Shri A.V.Haridasan, Member (J)).

* * *

Heard learned counsel for the applicant. While disposing of O.A.301/94 we have directed to report the ~~to report~~ ^{in report on} applicant in Ahmednagar ~~within a period~~ of one month from the date of judgment. It is now stated that the applicant fell sick and could not report to duty in Ahmednagar in ~~compliance~~ with our order. After hearing counsel for the applicant, and as a special case, we direct that the applicant may now report to duty at Ahmednagar on or before 10-8-94.

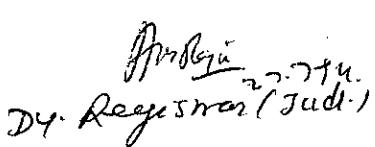
2. M.A.483/94 is thus disposed of. No costs.


(A.B.GORTHI)
Member (A)

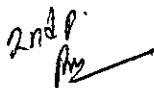

(A.V.HARIDASAN)
Member (J)

Dt. 21st July, 1994.
Dictated in Open Court.

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D.Y. Registrar (Judi.)

contd - 3/-


2nd P.
Am

M.A.483/94
C.P.
D.A. 30/1/94

Typed by
Checked by

Compared by
Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR.A.V.HARIOSAN: MEMBER(J)

AND

THE HON'BLE MR.A.B.GORTHI : MEMBER(A)

Dated: 21/7/94

~~ORDER/JUDGMENT.~~

M.C./R.P./C.P.NO.

483/94

O.T. NO.

in

30/1/94

T.A. NO.

(W.P.NO.)

Admitted and Interim Directions
Issued.

Allowed.

Dismissed of with directions.

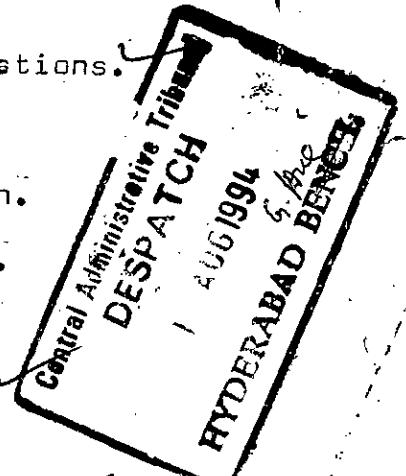
Dismissed.

Dismissed as Withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.



21/7/94

CB