

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Decision: 4/6/2009

OA 290/99

Nanu Lal Meena s/o Shri Sukhdeo Meena r/o Bhagwas Chaurasia
via Bhabru, District Jaipur.

... Applicant

Versus

1. Union of India through Under Secretary,
Telecommunications Department, Sanchar Bhawan, New
Delhi.
2. Director General, Posts & Telegraphs Department,
Jaipur Circle, Rajasthan, Jaipur.
3. Accounts Officer (Pension), Postal Accounts, Jaipur,
Rajasthan.

... Respondents

CORAM:

HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER

HON'BLE MR.A.P.NAGRATH, ADMINISTRATIVE MEMBER

For the Applicant ... Mr.Mahendra Shah

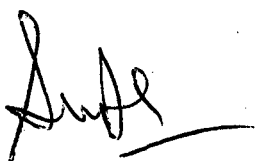
For the Respondents ... Mr.Vijay Singh

O R D E R

PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER

In this OA the applicant makes a prayer to direct the respondents for counting the period from the year 1958 to 1992 for the purpose of commutation of pension and other retiral benefits.

2. Applicant's case, in brief, is that he was appointed as EDEPM Bagawas on 16.4.58 and worked on this post upto 8.6.92. Thereafter, the applicant was selected for the post

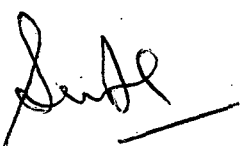


of Chowkidar, a Group-D post, and he joined at Dausa on 9.6.92. It is stated that he retired as Chowkidar, Class-IV, from Shahpura on 28.2.98. It is stated by the applicant that he has rendered 40 years' services from the year 1958 to 1998 in the department but the respondents did not count the services rendered by the applicant as EDEPM from 1958 to 1992 for commutation of pension and other retiral benefits, which is altogether illegal, arbitrary and in violation of the provisions of Constitution of India. Therefore, the applicant has filed this OA for the relief as above.

3. Reply was filed. It is stated in the reply that the applicant is not entitled for pension as he has not completed 10 years qualifying service before retirement. It is stated that as per rules E.D. Agents are not entitled to pension. Therefore, the services rendered by the applicant from the year 1958 to 1992 cannot be counted for determining pension and other retiral benefits and thus the applicant has no case.

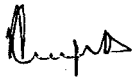
4. Heard the learned counsel for the parties and also perused the whole record.

5. Undisputedly, the applicant worked as EDEPM from 1958 to 1992, till he joined the post of Chowkidar, a Group-D post, on 9.6.92. It is also undisputed fact that the applicant retired from service on 28.2.98. As per Rule-14 of Smamy's Pension Compilation, E.D. Agents are borne on non-pensionable establishment, therefore, E.D. Agents are not entitled to any pension. As the services rendered by the



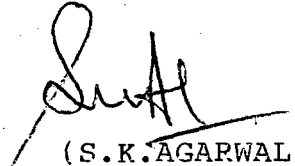
applicant as E.D.Agent are borne on non-pensionable establishment, as per Rule-14 of Swamy's Pension Compilation, no other conclusion can be drawn except that the services rendered by the applicant as EDBFM from the year 1958 to 1992 cannot be counted for the purpose of pension and other retiral benefits. Therefore, the applicant has no case for interference by this Tribunal and this OA is devoid of any merits and liable to be dismissed.

6. This OA is, therefore, dismissed having no merits with no order as to costs.



(A.P.NAGRATH)

MEMBER (A)



(S.K.AGARWAL)

MEMBER (J)