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CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 553 of 2002

Jabalpur, this the 25th day of June, 2004

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. Madan Mohan, Judicial Member

Kishori Lal Lodhi
Aged about 61 years
Son of Shri Hiralal Lodhi
Occu:: Retd As Gr.D Official,
Dak Vibhag Malahra S.O. Chhatarpur,
R/o Village and post Ranital,
Chhatarpur
Distt ;; Chatarpur

APPLICANT

(By Advocate - None)

VERSUS

1. Union of India
Through: Secretary
Department of Postal Services,
New Delhi
2. Sub Divisional Inspector(P)
Pension Chhatarpur West,
Distt : Chhatarpur-471001
3. Supdt. of Post Office
Chhatarpur Division, Chhatarpur
Distt: Chhatarpur

RESPONDENTS

(By Advocate - Shri B.da.Silva on behalf of Shri Om Namdeo)

O R D E R(Oral)

By M.P. Singh, Vice Chairman -

None is present on behalf of the applicant. Since it is an old matter of the year 2002, we are disposing of the same by invoking the provisions of Rule 15 of Central Administrative Tribunal (Procedure) Rules, 1987.

2. By filing this OA, the applicant has sought the following main reliefs :-

"i. to direct the respondents to immediately release the pension and all other allied benefits in favour of the applicant with permissible interest;

ii. to direct the respondent to fix and finalize the applicants' pension deeming the service tenure from 1959 to 31.7.2001".

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3. Heard the learned counsel for the respondents and perused the pleadings and record.

4. The admitted facts of the case are that the applicant was appointed as an Extra Departmental Delivery Agent Ranital under the Chhattarpur Head Post Office on contract basis w.e.f. 5.2.1959. He has continuously worked on the said post from 5.2.1959 to 23.4.1992. The applicant was approved for appointment in the Departmental Group D cadre in the scale of Rs. 750-940, which he joined on 24.4.1992 and retired from service w.e.f. 31.7.2001 after attaining the age of 60 years. Thus, the services of the applicant will be counted from 24.4.1992 for the purpose of pension and which is less than 10 years.

5. The respondents have contended that the applicant is not entitled to any pension as per Rule 49 of the Pension Rules, 1972. However, gratuity and other benefits for which the applicant was entitled were sanctioned and paid to him. Hence, the OA is liable to be dismissed.

6. In view of the aforesaid facts that the applicant had worked on contract basis from 5.2.1959 to 23.4.1992, this period was not taken into consideration for qualifying service for the purpose of fixation of pension. He was regularised with effect from 24.4.1992 and retired from service w.e.f. 31.7.2001. Since, he did not complete the 10 years qualifying service, he could not be granted pensionary benefits. However, he has been granted gratuity and other retiral benefits. In this view of the matter, the OA is bereft of merits and accordingly, it is dismissed. No costs.

(Madan Mohan)
Judicial Member

(M.P. Singh)
Vice Chairman