

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 710 of 2002

Jabalpur, this the 14th day of June, 2004

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

Premal Adivasi, S/o. late Parsadi
Adivasi, aged about 68 years, r/o.
Sarouli Majhgawan, Jagdish Mohalla, Post
Sarouli Majhgawan, Thana Majhgawan,
Tahsil Sihora, Jabalpur (MP). ...

Applicant

(By Advocate - Shri S. Paul)

V e r s u s

1. Union of India,
through its Secretary,
Ministry of Communication,
Department of Posts,
New Delhi.

2. Chief Post Master General,
M.P. Circle, Hoshangabad Road,
Bhopal (MP).

3. Superintendent,
Railway Mail Service,
Jabalpur (MP). ...

Respondents

(By Advocate - Shri P. Shankaran)

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

By filing this Original Application the applicant has claimed the following main reliefs :

"(ii) command the respondents to treat the entire/half service rendered by the applicant as ED employee for the purposes of grant of pension;

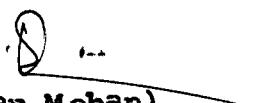
(iii) command the respondents to grant the applicant pension with all consequential benefits from the date of his retirement;

(iv) command the respondents to grant arrears of pension from the date of retirement for all practical purposes including interest on delayed payment."

2. The brief facts of the case are that the applicant has rendered 34 years of service as Extra Departmental Agent in the respondent department. He has also rendered 9 years 7 months service as Mail Man under the respondent No. 3. In other words the applicant has rendered total service of 43 years 7 months.

As per the rule a person having minimum 10 years of regular service is entitled for grant of pension. In this case the services rendered by the applicant as Extra Departmental Agent has not been taken into consideration for the purpose of grant of pension. However, the services rendered by him as Mail Man on regular basis i.e. for 9 years 7 months have been considered for grant of pension. As per the reply filed by the respondents the applicant has put in regular service as Mail Man only for 9 years two months and 16 days. He is short by about 9 months service to be eligible for grant of pension. According to the existing provisions of rule the applicant is not entitled for grant of pension. During the course of argument it is submitted by the applicant that one Taiwar Committee was set up by the Government to look into the conditions of service of the Extra Departmental Agents and which had recommended for counting 50% of the service rendered as Extra Departmental Agents for granting the pensionary benefits.

3. In view of this fact, we direct the applicant to file a detailed representation within a period of four weeks from the date of receipt of copy of this order. If the applicant complies with this, the respondent ^{one is} directed to consider the representation of the applicant within a period of four months from the date of receipt of such representation in accordance with law by passing a speaking, detailed and considered order. Accordingly, the Original Application stands disposed of. No costs.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman