

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Monday 5th day of February Two Thousand And Eighteen

PRESENT:

THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

O.A.310/00651/2016

D.K. Krishna Sah,
S/o. (Late) D.E. Kasi Sah,
No.1, Singanna Chetty Street,
First Lane, Chindadripet,
Chennai-600 002.

.....Applicant

(By Advocate : C. Samivel)

VS.

1. Union of India
Rep. by its Member (Personnel),
Ministry of Communications,
Department of Posts,
Government of India,
New Delhi- 110 001;
2. The Chief Post Master General,
Tamil Nadu Circle,
Anna Salai,
Chennai-600 002;
3. The Senior Superintendent RMS,
Chennai Sorting Division,
Chennai- 600 008.

... ..Respondents

(By Advocate: Dr. G. Krishnamurthy)

O R A L O R D E R

(Pronounced by Hon'ble Mr. R. Ramanujam, Member (A))

This O.A. is filed by the applicant seeking the following reliefs:-

"to issue direction calling for the records of the 3rd respondent in his proceedings S.No.B-2/KW/dated 17.12.2015 and quash the same and further directing the 2nd and 3rd respondents to pay service pensionary benefits and other all attendant benefits to the applicant."

2. Heard. It is submitted that the applicant is aggrieved by the non-grant of pension although he had put in 14 years of service with the respondent department. The applicant's representation dated 14.5.2015 seeking pensionary benefits was rejected by Annexure-A/10 communication dated 17.12.2015. The applicant is now 75 years old and his case deserved to be considered sympathetically, it is urged.

3. Learned counsel for the respondents would, however, submit that the applicant had been dismissed from service with effect from 22.12.1983 for unauthorized absence from duty. As per CCS (Pension) Rules 1972, a dismissed government servant is not entitled to any retirement benefits. The applicant had exhausted his legal remedies in as much as his Original Application 811/1998 had been dismissed by the Tribunal. The Writ Petition filed there-against in the Hon'ble High Court of Madras as also the SLP filed by the applicant in the Hon'ble Supreme Court were also dismissed. After the SLP was dismissed on 14.7.1999, the applicant sought pensionary benefits by Annexure-A/9 representation dated 14.5.2015 only. There is

neither merit in the claim nor any justification for a delay of 16 years. The O.A. is accordingly liable to be dismissed, it is argued.

4. I have considered the facts of the case. It is not disputed that the applicant had been dismissed from service with effect from 22.12.1983 and he had already exhausted all the legal remedies available to him against the order of dismissal. The counsel for the applicant is unable to point out any provision in the rules or executive instructions to the effect that a dismissed employee who had put in 14 years of service could be considered for pensionary benefits on sympathetic grounds or otherwise. The O.A. is devoid of merits and is dismissed. No costs.

(R. RAMANUJAM)
MEMBER(A)

5.2.2018

asvs.