

Central Administrative Tribunal, Principal Bench

Original Application No. 2261 of 2003

New Delhi, this the 16th day of September, 2003

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. R.K. Upadhyaya, Member (A)

Smt. Bhagwati,
Wd/o Shri Faqir Chand,
R/o H.No.6/8, Khichripur,
Delhi-91

.... Applicant

(By Advocate: Shri R.K. Shukla)

Versus

1. Union of India through
The Comptroller & Auditor General of India,
10, Bahadur Shah Zafar Marg,
New Delhi
2. The Deputy Director (Admn.)
Commercial Audit,
Commercial Audit Board-II
I.P. Bhawan, New Delhi
3. The Medical Superintendent,
Institute of Human Behaviour and
Allied Sciences,
G.T. Road, Shahdara,
Delhi.
4. The Deputy Medical Superintendent,
Hospital for Mental Diseases,
I.H.B.A.S., G.T. Road, Shahdara,
Delhi

.... Respondents

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

The applicant was appointed as a Sweepress in the office of the Medical Superintendent, Hospital for Mental Diseases, Shahdara, Delhi on 9.4.1980. On 8.10.1984, she resigned. On 11.7.1984, her husband had died in harness. She was appointed as a Peon on compassionate grounds on 7.5.1985. She superannuated on 30.6.1994.

2. By virtue of the present application, the applicant seeks a direction to count her previous service rendered as Sweepress as qualifying service for the monthly

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pension.

3. We have carefully gone through the record. It shows that the applicant was earlier working as a Sweepers. Her resignation had been accepted vide the following order:

"Office Order of: 2000

The resignation dated 15.05.1984, tendered by Smt. Bhagwati, Sweepers from the post of Sweepers is hereby accepted w.e.f. 08.10.1984(A/N).

Sd/-
(Dr.A.K. Biswas)
Deputy Medical Superintendent
Head of Office"

Thereafter she had been appointed as already referred to above because her husband had died in harness as a Peon, on compassionate grounds.

4. Not only therein, there is a gap between the acceptance of applicant's resignation and her fresh employment but it was altogether a new employment on compassionate grounds, unconnected with the earlier employment as a Sweepers. In that view of the matter, the earlier service so rendered, could not be counted in the absence of a rule for determining the qualifying service for the pension.

5. Resultantly, the application being without merit must fail and is dismissed in limine.

(R.K. Upadhyaya)
(R.K. Upadhyaya)
Member(A).

(V.S. Aggarwal)
(V.S. Aggarwal)
Chairman.

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