

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

Original Application No.421/2019

Dated the 21st November, 2019.

CORAM:

Hon'ble SH.M.C.Verma, Member (J)

Dr.R.K.Khola,
Age more than 77 years (Senior Citizen)
S/o. Late Sh.Muralidhar Yadav,
Scientist/Engineer-SF (Retd.)
B-9, Avani Row Houses, Nr.Satellite Towers,
Ahmedabad – 380 015.
M – 9991274518.

Applicant

Party in Person

Vs.

1. Union of India, (Notice to be served through)
The Secretary, Deptt. of Space, Govt. of India,
Antariksh Bhavan, New BEL Road,
Bangalore – 560 231.
- 2 The Secretary, Deptt. of Space, Govt. of India
Antariksh Bhavan, New BEL Road,
Bangalore – 560 231.
3. The Director,
Space Applications Center,
Ahmedabad – 380 015.

....Respondents.

O R D E R (Oral)

Per: M.C.Verma, Member (Judicial)

1. The OA is at the stage of motion hearing. Heard. Applicant who is party in person has preferred the instant OA having following prayer:-

“declare the action of the respondent for not giving to the applicant gold coin and letter of appreciation of service dated 27.01.2010 which have been given to all the pensioners of ISRO who had retired after the date of 01.01.2008 under the order dated 27.01.2010 as arbitrarily, discriminatory and violative of Article 14 of the Constitution of India and further to direct the respondent authorities to give gold coin and letter of appreciation of service to the applicant also so that justice may prevail. ”---

2. The case of the applicant, as has been set out in the pleading of OA is that he is a retired Scientist/ Engineer of ISRO, was retired prematurely from service on 3/5/93, under provisions of FR 56(j). That said order under the provisions of FR 56(j) was set aside on 7/5/13 by Hon'ble High Court of Gujarat in SCA No. 6190 of 2004 and it was directed that applicant be deemed to have continued in service till he reached the date of superannuation. That the order of High Court was confirmed by Hon'ble Supreme Court by order dated 24/01/17 passed in CA No.9994/14. That date of his superannuation is 31/03/2002 and he thus deemed to be in service till 31/03/2002.
3. It has further been pleaded that then Secretary, DOS and Chairman ISRO Dr. K Radhakrishnan on 27/01/2010 had decided to present a gift to all the pensioners of SAC/ISRO/DOS. The gifts

were that of a gold coin and silver plaques and these gifts were to be given along with a token of appreciation from the Chairman, ISRO. In the same order dated 27/01/2010 it was also decided that gold coins were to be distributed to all the pensioners who were retired after 01/01/2008 and silver plaques to those pensioners who had retired before 01/01/2008.

4. Applicant has attached six annexures with the OA. Annexure A/1(colly) of the OA comprising of three documents. The first document of this annexure is Letter dated 27.01.2010 of respondents is on subject "Distribution of Silver Plaques-reg", the second document contains the Guidelines for Distribution of Silver Plaques and third document is the draft of commendation letter dated 27/01/2010. The content of body of aforesaid Letter dated 27.01.2010 verbatim is:

"in appreciation of the contribution to ISRO, the Department has decided to present a gift to all ISRO/DOS pensioners. The gift (silver plaques) has already been delivered to the Centres/Units based on the details provided. Please find enclosed herewith a copy of the guidelines for distribution of silver plaques. The silver plaques were sent to the pensioners along with the enclosed letter from Chairman ISRO/Secretary, DOS. "

The Guidelines for Distribution of Silver Plaques reveals that Silver plaques to be distributed to surviving pensioners who retired on superannuation or who retired voluntarily from service on or before 31.12.2007 or who are invalidated from service but not to Pensioners who are retired from service prematurely under the provisions of FR 56 (J) or Pensioners who are compulsorily retired or to the Family pensioners or to the Pensioners who retired on immediately/absorption basis or to those who are dismissed/removed from service and granted compassionate allowance.

5. **Annexure A/2** is the copy of order dated 30.03.17, showing compliance by respondent of Order passed by Supreme Court in CA No. 9994/2014. **Annexure A/3** is the copy of letter 07.08.10 of the applicant, addressed to chairman ISRO wherein he contended that the Pensioners retired on superannuation and the Pensioners who are retired from service prematurely under the provisions of FR 56 (J) be treated on same footings and that he may be given gold coin. **Annexure A/4** is the copy of letter 06.07.17 of the applicant, for payment of retiral dues and for silver plaque like that of other pensioners, it is addressed to director ISRO. **Annexure A/5** is the copy of application sent under RTI, qua information relating to gift of gold coin to the Pensioners and **A/6** is the reply of

this applicant under RTI. Annexure A/6 having information supplied under RTI Act and the information supplied under RTI Act is that as per Circular No. SAC/GA/Gen/2007 dated 11/06/2007, the employees who were on Payroll on 10.01.2007 are eligible for distribution of Gold Coin.

6. Applicant has not enclosed any documents with the OA showing that he after setting aside of his order of premature retirement made any request for gift of gold coin nor any document showing rejection of his representation for gift of gold coin by competent authority is there on the record. The only representation is his letter 06.07.17, Annexure A/4 but it related to payment of retiral dues and for silver plaque like that of other pensioner. He has not pleaded that he has not given silver plaque like that of other pensioners retired before year 2008. Annexure A/5, application sent under RTI can legally be not treated as representation.
7. Moreover applicant superannuated on 31.03.2002 and therefore he cannot be treated in service or on Payroll on 10.01.2007. The information supplied under RTI Act is that as per Circular No. SAC/GA/Gen/2007 dated 11/06/2007, the employees who were on Payroll on 10.01.2007 are eligible for distribution of Gold Coin.
8. Applicant, who is party in person during argument tried to assail the decision to treat the employee who superannuated in 2002

and the employee who superannuated after 10.01.2007 or after 01.01.2008, as discriminatory but he could not satisfactorily answered why it could not be a reasonable classification. Decision/ Circular or its copy whereby it was resolved to distribute Gold Coin to ex employees of particular category has also not been placed on record.

9. The OA is devoid of merit and does not warrant any interference by the Tribunal and hence is dismissed in limine.

(M.C. VERMA)
MEMBER (J)