

***IN THE HIGH COURT OF DELHI AT NEW DELHI**

Judgment Reserved on October 30, 2013

Judgment Delivered on November 07, 2013

+ W.P.(C) 5428/2013

GOVT. OF NCT & ORS.

..... Petitioners

Represented by: Mr. Sushil Dutt Salwan, Advocate

versus

AMAR SINGH

..... Respondent

Represented by: Mr.M.L.Sharma, Advocate with
Mr.Y.R.Sharma, Advocate

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MR. JUSTICE V.KAMESWAR RAO

V.KAMESWAR RAO, J.

1. The Government of NCT of Delhi and its functionaries impugn the order dated April 10, 2013 passed by the Central Administrative Tribunal, Principal Bench, New Delhi allowing Original Application No.1619/2012 and directing the petitioners herein to consider the case of the respondent for granting pension and other benefits without reference to Rule 26 (1) of the CCS (Pension) Rules, 1972 (hereinafter referred as 'Pension Rules, 1972') and pass appropriate orders and to pay monitory benefits within 60 days from the date of receipt of the copy of the order.

2. The relevant facts are that after serving the Army Medical Core as Naik the respondent retired on March 24, 1986. Thereafter on March 22, 1988 he joined the petitioners as Laboratory Technician against a vacancy reserved for ex-servicemen.

3. After rendering 18 years, 4 months and 9 days of service he submitted his resignation from service vide his letter dated July 01, 2006 stating that he intend to dedicate himself in the spiritual service. The resignation was accepted with effect from July 31, 2006.

4. On October 15, 2006 the respondent made a claim for pension and service gratuity. The petitioners rejected the request of the respondent on February 27, 2007 by stating that the said request cannot be acceded to since under the petitioners the service rendered by the respondent was less than qualifying service of 20 years.

5. On a further representation from the respondent the petitioners in their communication dated October 25, 2008 took a stand that their Finance Department has opined that since the Government servant has resigned from post he is not entitled to any retiral benefit i.e. gratuity and pension under Rule 26 of Pension Rules, 1972.

6. In the Original Application which was filed in the year 2012, it is the stand of the respondent that since he has rendered qualifying service he is entitled to pension under Rule 49 of Pension Rules, 1972 on pro rata basis since the said Rule contemplates a Government servant who had retired after putting more than 10 years with the Government can be paid pro rata pension. It was his stand that his services cannot be treated as forfeited under Rule 26 of the Pension Rules, 1972 only because he used the word “resigned” in his letter dated July 01, 2006 whereas his intention was only to seek premature retirement.

7. According to the respondent he wrote the word ‘resignation’ instead of ‘premature retirement’ due to mental illness known as seizure disorder he ought not to be victimised. The petitioners on the other hand justified their action in denying the pensionary benefits to the

respondent by stating that his total service was 18 years, 4 months and 9 days and he had tendered his resignation which entails forfeiture of the past service. It is also their stand that since the respondent had served less than 20 years he was not eligible for pension.

8. The Tribunal in the impugned order had relied upon the judgment of the Supreme Court in the case of AIR 2011 SC 2990 Sheelkumar Jain v. New India Assurance Co.Ltd. to inter-alia hold as under:-

“25. To sum up, the concept of pension has been considered by the Hon’ble Apex Court time and again and in catena of cases, it has been observed that the pension is not a charity or bounty nor is it a conditional payment solely dependent on the sweet will of the employer. It is earned for rendering a long and satisfactory service. It is in the nature of deferred payment for past service. It is a social security plan consistent with the socio-economic requirements of the constitution when the employer is a State within the meaning of Article 12 of the Constitution rendering social justice to a superannuated government servant. It is a right attached to the office and cannot be arbitrarily denied (See: A.P.Srivastava vs. Union of India, (1995) 6 SCC 227, Vasant Gangaramsa Chauhan v. State of Maharashtra, (1996) 10 SCC 148, Subrata Sen v. Union of India, (2001) 8 SCC 71, Union of India v. P.D.Yadav, (2002) 1 SCC 405), Grid Corporation of Orissa v. Rasananda Das (2003) 10 SCC 297, All India Reserve Bank Retired Officers Association v. Union of India, 1992 Supp (1) SCC 664).

26. A comprehensive reading of the entire pension scheme under the CCS (Pension) Rules, 1972 clearly establishes, it is a beneficial legislation and hence Rule 26 requires a liberal interpretation, so as to give it a wider meaning

rather than a restrictive meaning which would negate the very object of the Rule. As observed above, the object of Rule 26 is to provide the benefit of past service to those who take up another employment under the Government, after resigning to the earlier service or post even before completing the qualifying service, for fixation of pay and pension in the new post or service, but not to deprive pension to those who were allowed to resign unconditionally, after rendering the qualifying service of 10 years. That is why, the Rules, though provided for granting of pension, even to a person, who was compulsorily retired by way of penalty under Rule 40, or to a person who was dismissed or removed from service in the form of Compassionate Allowance but not provided any such power to the Competent Authority under Rule 26(1), in respect of a person who resigned on his own volition, after rendering qualifying service of 10 years. Definitely, it was not the intention and object of the Rules, to put a tainted employee who was imposed with a punishment of compulsory retirement or dismissal or removal for his proven misconduct above an employee who was allowed to resign from service unconditionally after rendering the required qualifying service of 10 years. Therefore, the respondents cannot deny the pension and other benefits under the CCS (Pension) Rules, 1972 to the applicant, by applying Rule 26(1), in isolation”.

9. Mr.Sushil Salwan, learned counsel appearing for the Government of NCT would submit that the Tribunal has clearly erred in not considering the legal position in terms of the Pension Rules, 1972 and the judgments as rendered by the Supreme Court. According to him it is a case where the respondent had submitted his resignation by stating that he wants to involve himself in spiritual service. He would further

submit that Rule 26(1) of the Pension Rules, 1972 stipulates that a resignation would entail forfeiture of the past service. According to him overlooking the rule position the Tribunal has directed the petitioners to consider the case of the respondent without reference to Rule 26(1) of the Pension Rules, 1972; which is untenable. He would further submit that when a Rule exists in the Pension Rules, 1972 the same cannot be ignored. He relied upon the following judgments of the Supreme Court in support of his contentions:

(1) (2004) 9 SCC 461 Reserve Bank of India v. Cecil Dennis Solomon & Anr.

(2) (2004) 4 SCC 412 UCO Bank & Ors. v. Sanwar Mal (connected matters).

10. On the other hand, Mr.M.L.Sharma, learned counsel appearing for the respondent submits that the case of the respondent is covered by the judgment of the Supreme Court in Sheelkumar Jain's case (supra). He states that when a Government servant has fulfilled the eligibility for pension then the nomenclature of 'resignation' or 'retirement' loses its significance. According to him the petitioners must not go into semantics. They should construe the word 'resignation' as 'retirement'. He placed reliance on para 13 of the judgment in Sheelkumar Jain's case (supra).

11. We have considered the rival submissions made on behalf of the parties. Before we deal with the issue which falls for our consideration we note that the respondent was appointed to a pensionable service governed by the Pension Rules, 1972. Some of the Rules as noted by the Tribunal are Rule 24, Rule 26 and Rule 49 of Pension Rules, 1972. The same are reproduced as under:-

“24. Forfeiture of service on dismissal or removal

Dismissal or removal of a Government servant from a service or post entails forfeiture of his past service.

Termination of service under Temporary Service rules or under the term of appointment for failure to pass prescribed examination, does not entail forfeiture of past service. - The Government of India in consultation with the Ministry of Home Affairs, have held that the termination of service either under CCS (TS) Rules, 1965 or under the terms of appointment for failure to pass a prescribed examination does not amount to dismissal or removal within the meaning of Article 418 (a) of CSR (Rule 24). A Government servant whose services are terminated for failure to pass prescribed examination and who is appointed to another post without any break, will count his previous service towards leave and pension.

x x x

26. Forfeiture of service on resignation

(1) Resignation from a service or a post, unless it is allowed to be withdrawn in the public interest by the Appointing Authority, entails forfeiture of past service.

(2) A resignation shall not entail forfeiture of past service if it has been submitted to take up, with proper permission, another appointment, whether temporary or permanent, under the Government where service qualifies.

(3) Interruption in service in a case falling under sub-rule (2), due to the two appointments being at different stations, not exceeding the joining time permissible under the rules of transfer,

shall be covered by grant of leave of any kind due to the Government servant on the date of relief or by formal condonation to the extent to which the period is not covered by leave due to him.

(4) The Appointing Authority may permit a person to withdraw his resignation in the public interest on the following conditions, namely:-

(i) that the resignation was tendered by the Government servant for some compelling reasons which did not involve any reflection on his integrity, efficiency or conduct and the request for withdrawal of the resignation has been made as a result of a material change in the circumstances which originally compelled him to tender the resignation;

(ii) that during the period intervening between the date on which the resignation became effective and the date from which the request for withdrawal was made, the conduct of the person concerned was in no way improper;

(iii) that the period of absence from duty between the date on which the resignation became effective and the date on which the person is allowed to resume duty as a result of permission to withdraw the resignation is not more than ninety days;

(iv) that the post, which was vacated by the Government servant on the acceptance of his resignation or any other comparable post, is available.

(5) Request for withdrawal of a resignation shall not be accepted by the Appointing Authority where a Government servant resigns his service or post with a view to taking up an appointment in or under a private commercial company or in or under a corporation or company wholly or substantially owned or controlled by the Government or in or under a body controlled or financed by the Government.

(6) When an order is passed by the Appointing Authority allowing a person to withdraw his resignation and to resume duty, the order shall be deemed to include the condonation of interruption in service but the period of interruption shall not count as qualifying service.

(7) A resignation submitted for the purpose of Rule 37 shall not entail forfeiture of past service under the Government.

49. Amount of Pension

(1) In the case of a Government servant retiring in accordance with the provisions of these rules before completing qualifying service of ten years, the amount of service gratuity shall be calculated at the rate of half month's emoluments for every completed six monthly period of qualifying service.

(2) (a) In the case of a Government servant retiring in accordance with the provisions of these rules after completing qualifying service of not less than thirty-three years, the amount of pension shall be calculated at fifty per cent of average emoluments, subject to a maximum of four thousand and five hundred rupees per mensem;

(b) in the case of a Government servant retiring in accordance with the provisions of these rules before completing qualifying service of thirty three years, but after completing qualifying service of ten years, the amount of pension shall be proportionate to the amount of pension admissible under Clause (a) and in no case the amount of pension shall be less than Rupee three hundred and seventy-five per mensem;

(c) notwithstanding anything contained in Clause (a) and Clause (b) the amount of invalid pension shall not be less than the amount of family pension admissible under sub-rule (2) of Rule 54.

(3) In calculating the length of qualifying service, fraction of a year equal to three months and above shall be treated as a completed one half-year and reckoned as qualifying service.

(4) The amount of pension finally determined under Clause (a) or Clause (b) of sub-rule (2), shall be expressed in whole rupees and where the pension contains a fraction of a rupee it shall be rounded off to the next higher rupee.”

Other Rule which would have a bearing in so far as this case is concerned is Rule 48A which relates to ‘retirement’ on completion of 20 years of qualifying service. The same is reproduced as under:-

“48-A. Retirement on completion of 20 years’ qualifying service

(1) At any time after a Government servant has completed twenty years’ qualifying service, he

may, by giving notice of not less than three months in writing to the appointing authority, retire from service.

Provided that this sub-rule shall not apply to a Government servant, including scientist or technical expert who is –

- (i) on assignments under the Indian Technical and Economic Cooperation (ITEC) Programme of the Ministry of External Affairs and other aid programmes,*
- (ii) posted abroad in foreign based offices of the Ministries/Departments,*
- (iii) on a specific contract assignment to a foreign Government,*

unless, after having been transferred to India, he has resumed the charge of the post in India and served for a period of not less than one year.

(2) The notice of voluntary retirement given under sub-rule (1) shall require acceptance by the Appointing Authority:

Provided that where the appointing authority does not refuse to grant the permission for retirement before the expiry of the period specified in the said notice, the retirement shall become effective from the date of expiry of the said period.

(3) Deleted.

(3-A)(a) A Government servant referred to in sub-rule (1) may make a request in writing to the appointing authority to accept notice of voluntary retirement of less than three months giving reasons therefor;

(b) On receipt of a request under clause (a), the appointing authority subject to the

provisions of sub-rule (2), may consider such request for the curtailment of the period of notice of three months on merits and if it is satisfied that the curtailment of the period of notice will not cause any administrative inconvenience, the appointing authority may relax the requirement of notice of three months on the condition that the Government servant shall not apply for commutation of a part of his pension before the expiry of the period of notice of three months.

4) A Government servant, who has elected to retire under this rule and has given the necessary notice to that effect to the appointing authority, shall be precluded from withdrawing his notice except with the specific approval of such authority:

Provided that the request for withdrawal shall be made before the intended date of his retirement.

(5) The pension and retirement gratuity of the Government servant retiring under this rule shall be based on the emoluments as defined under Rules 33 and 34 and the increase not exceeding five years in his qualifying service shall not entitle him to any notional fixation of pay for purposes of calculating pension and gratuity.

(6) This rule shall not apply to a Government servant who –

(a) retires under Rule 29, or

(b) retires from Government service for being absorbed permanently in an autonomous body of a public sector undertaking to which he is on deputation at the time of seeking voluntary retirement.

EXPLANATION.- For the purpose of this rule the expression "appointing authority" shall mean the authority which is competent to make appointments to the service or post from which the Government servant seeks voluntary retirement."

12. The Pension Rules, 1972 clearly brings out difference between the 'resignation' and the 'retirement'. Rule 26(1) stipulates forfeiture of service on resignation. Exceptions have been carved out under Rule 26(2) and Rule 26(3). Here the respondent tendered his resignation by giving a three months notice and the same is accepted. In view of clear distinction between 'resignation' and 'retirement' and the effect thereof under the Rules the consequence as laid down under Rule 26(1) be adhered to.

13. We may note here the opinion of the Supreme Court in Sanwar Mal's case (supra) which reads as under:-

"9. We find merit in these appeals. The words "resignation" and "retirement" carry different meanings in common parlance. An employee can resign at any point of time, even on the second day of his appointment but in the case of retirement he retires only after attaining the age of superannuation or in the case of voluntary retirement on completion of qualifying service. The effect of resignation and retirement to the extent that there is severance of employment (sic is the same) but in service jurisprudence both the expressions are understood differently. Under the Regulations, the expressions "resignation" and "retirement" have been employed for different purpose and carry different meanings. The pension scheme herein is based on actuarial calculation; it is a self-financing scheme, which

does not depend upon budgetary support and consequently it constitutes a complete code by itself. The Scheme essentially covers retirees as the credit balance to their provident fund account is larger as compared to employees who resigned from service. Moreover, resignation brings about complete cessation of master-and-servant relationship whereas voluntary retirement maintains the relationship for the purposes of grant of retiral benefits, in view of the past service. Similarly, acceptance of resignation is dependent upon discretion of the employer whereas retirement is completion of service in terms of regulations/rules framed by the Bank. Resignation can be tendered irrespective of the length of service whereas in the case of voluntary retirement, the employee has to complete qualifying service for retiral benefits. Further, there are different yardsticks and criteria for submitting resignation vis-a-vis voluntary retirement and acceptance thereof. Since the Pension Regulations disqualify an employee, who has resigned, from claiming pension the respondent cannot claim membership of the fund. In our view, Regulation 22 provides for disqualification of employees who have resigned from service and for those who have been dismissed or removed from service. Hence, we do not find any merit in the arguments advanced on behalf of the respondent that Regulation 22 makes an arbitrary and unreasonable classification repugnant to Article 14 of the Constitution by keeping out such class of employees. The view we have taken is supported by the judgment of this Court in the case of Reserve Bank of India and Anr. v. Cecil Dennis Solomon, (2004)9 SCC 461. Before concluding we may state that Regulation 22 is not in the nature of penalty as alleged. It only disentitles an employee who has resigned from service from becoming a member of the Fund. Such employees have received their retiral

benefits earlier. The pension scheme, as stated above, only provides for a second retiral benefit. Hence there is no question of penalty being imposed on such employees as alleged. The Pension Scheme only provides for an avenue for investment to retirees. They are provided avenue to put in their savings and as a term or condition which is more in the nature of an eligibility criterion, the Scheme disentitles such category of employees as are out of it.”

14. Further in so far as the submission of Mr.M.L.Sharma, learned counsel for the respondent that the ‘resignation’ must be treated as ‘retirement’ is concerned the same cannot be accepted for the reasons stated as under. A perusal of Rule 48A of Pension Rules, 1972 stipulates that the Government servant can seek ‘retirement’ only on completion of 20 years of qualifying service. There is no Rule which stipulate a Government servant can seek ‘retirement’ after completion of 10 years service. If a Government servant cannot seek ‘retirement’ before 20 years then the only way he can leave employment is by giving resignation which the respondent did when he gave his application/notice for resignation.

15. The Pension Rules, 1972 recognizes different types of pensions like superannuation pension (Rule 35) retiring Pension (Rule 36), Pension on Absorption (Rule 37), Invalid Pension (Rule 38), Compensation Pension (Rule 39), Compulsory Retirement Pension (Rule 40) and Compassionate Pension (Rule 41).

16. The case in hand is not a claim for Superannuation Pension, Compassionate Pension, Pension on Absorption, Invalid Pension, Compulsory Retirement Pension, Compensation Pension or Compassionate Pension. Even the claim is not sustainable for ‘retiring

pension’ as he is not eligible, as the grant of the same presupposes a Government servant retiring under the Rules. The respondent having 18 years, 4 months and 9 days of service could not have sought retirement. Rule 36 of the Pension Rules, 1972 stipulates ‘retiring pension’ would be given to a Government servant retiring under Rule 48 or Rule 48A or Rule 56 of the Pension Rules, 1972.

17. Even a perusal of Rule 49 of the Pension Rules, 1972 would reveal that the said Rule lay emphasis on the fact that the amount of pension would be calculated in the case of Government servant retiring in accordance with the provisions of the Pension Rules. As we have held above, since the respondent could not have retired before 20 years of qualifying service, Rule 49 would be inapplicable in his case. A conjoint reading of Rule 48A and Rule 49 of Pension Rules, 1972 would reveal that a Government servant is eligible for payment of pro rata pension after putting 10 years of qualifying service only in the case of ‘retirement’ on attaining the normal age of superannuation. We may note that this Court had decided the issue whether a Government servant would be entitled to pension if he had put in less than 20 years of service in the case titled as Dayawati v. Union of India & Ors. in LPA No.75/2002 decided on February 29, 2008. The relevant portion is extracted hereunder:-

“3. On going through the records we also find that the Supreme Court in the aforesaid case of Rakesh Kumar (supra) has held that on the basis of Rule 49 of the CCS (Pension) Rules, 1972, a member of the BSF, who has resigned from his post after completing more than 10 years of qualifying service but less than 20 years would not be eligible to get pensionary benefit. The husband of the appellant had about 13 years of

service to his credit. A similar case of a Commandant of Indian Coast Guard having 13 years of service to his credit was subject matter of a writ petition being WP(C) No.5651/2000 titled Comdt. Rajeev Ranjan (Retd.) v. Union of India and others (disposed of on 12th October, 2004), before one of the Division Benches of this Court consisting of Dr.Mukundakam Sharma and Gita Mittal, JJ. By judgment dated 12th October, 2004, the said writ petition filed by the Coast Guard employee was dismissed relying on the aforesaid decision of the Supreme Court.

4. The appellant herein is the widow of the deceased Shri Ram Avtar Singh, who had only 13 years of service to his credit. Her husband was not entitled to pensionary benefit on completion of 13 years of service. Resignation of the husband of the appellant was accepted by the respondent. BSF effective from 1st September, 1996 by which date he did not complete 20 years of service. However, under a misconception of law, the respondent BSF gave pension to the husband of the appellant and after his death to his wife, who is the present appellant. In view of the aforesaid law now laid down by the Supreme court, they have stopped making payment of further pension, but it is categorically stated before us by the counsel for the respondents that whatever amount has since been paid to the widow or to her husband by way of pension under misconception of law, would not be recovered by the respondents. Therefore, in our considered opinion, this appeal has no merit and is dismissed.”

18. The reliance placed by the Tribunal on Sheelkumar Jain's case (supra) is also misplaced. In Sheelkumar Jain's case (supra) the Supreme Court was concerned with the Insurance Scheme and not the

Pension Rules as are applicable to the Government employees. The provisions of the scheme and the Rules are not para materia. In Sheelkumar Jain's case (supra) the Supreme Court had held that the scheme does not make a distinction between 'resignation' and 'voluntary retirement'. It only provides that an employee who wants to leave or discontinue his service amount to 'resignation' or 'voluntary retirement' that is not the position under the Pension Rules, 1972. As stated above the Rules make a clear distinction between the 'resignation' and the 'retirement'. In fact the Rules also stipulate the consequences of 'resignation' and 'retirement'.

19. In fact in the case of Sheelkumar Jain's case (supra) the employee had tendered his 'resignation' in the year 1991 when there were no Rules bringing out distinction between 'resignation' and 'voluntary retirement' and the effect thereof.

20. In a latest opinion reported as 2012 9 SCC 671 M.R.Prabhakar v. Canara Bank & Ors. the Supreme Court while referring to Sheelkumar Jain's case (supra) brought out distinction between 'resignation' and 'retirement' which is reproduced as under:-

"19. We may point out in Sheelkumar Jain this Court was dealing with an insurance scheme and not the pension scheme, which is applicable in the banking sector. The provisions of both the scheme and the Regulations are not pari materia. In Sheelkumar Jain case, while referring to Para 5, this Court came to the conclusion that the same does not make distinction between "resignation" and "voluntary retirement" and it only provides that an employee who wants to leave or discontinue his service amounts to "resignation" or "voluntary retirement". Whereas, Regulation 20(2) of the Canara Bank (Officers') Service

Regulations, 1979 applicable to banks, had specifically referred to the words “resignation”, unlike Para 5 of the Insurance Rules. Further, it is also to be noted that, in that judgment, this Court in Para 30 held that the Court will have to construe the statutory provisions in each case to find out whether the termination of service of an employee was a termination by way of resignation or a termination by way of voluntary retirement.”

21. The distinction between the Pension Rules, 1972 and the scheme with which the Supreme Court was concerned with in the Sheelkumar Jain’s case (supra) has been overlooked by the Tribunal.

22. The reference to the judgment in the case reported as (2001) 6 SCC 591 Gorakhpur University & Ors. v. Dr. Shitla Prasad Nagendra & Ors., (1999) 6 SCC 459 Madan Singh Shekhavat v. Union of India & Ors. and (1983) 1 SCC 305 D.S.Nakara v. Union of India would have no relevancy in the facts of this case. The case has to be seen in terms of the Pension Rules, 1972 as applicable to the petitioners’ organization.

23. The conclusion of the Tribunal that Rule 26(1) of the Pension Rules, 1972 requires liberal interpretation would also be untenable. Rule 26(1) of the Pension Rules, 1972 would have to be given its effect.

24. In this regard it shall be trite to refer to the judgment reported as (2010) 5 SCC 196 Pallavi Resources Limited v. Protos Engineering Company Private Limited wherein the Supreme Court with regard to interpretation of a provision in a Statute has held as under:-

“17. A cardinal principle of statutory interpretation is that a provision in a statute must be read as a whole and not in isolation ignoring

the other provisions of that statute. While dealing with a statutory instrument, one cannot be allowed to pick and choose. It will be grossly unjust if the Court allows a person to single out and avail the benefit of a provision from a chain of provisions which is favourable to him. Reference may be made to a constitutional bench decision of this Court in the case of Prakash Kumar v. State of Gujarat (2005) 2 SCC 409. The Court in para 30 of that judgment observed as follows:

“30. By now it is well settled principle of law that no part of a statute and no word of a statute can be construed in isolation. Statutes have to be construed so that every word has a place and everything is in its place. It is also trite that the statute or rules made thereunder should be read as a whole and one provision should be construed with reference to the other provision to make the provision consistent with the object sought to be achieved.”

18. We wish to also refer to a latest judgment of this Court reported as SAIL v. S.U.T.N.I. Sangam and Ors. 2009 (10) SCALE 416 wherein this Court, very succinctly reiterated the aforesaid position in para 67 as follows:

“67. The learned Counsel, however, invited our attention to take recourse to the purposive interpretation doctrine in preference to the literal interpretation. It is a well settled principle of law that a statute must be read as a whole and then chapter by chapter, section by section, and then word by word. For the said purpose, the Scheme of the Act must be noticed. If the principle of interpretation of statutes resorted to by the Court leads to a fair reading of the

provision, the same would fulfill the conditions of applying the principles of purposive construction.

19. From these authorities, it is amply clear that a provision in a statute ought not to be read in isolation. On the contrary, a statute must be read as an integral whole keeping in view the other provisions which may be relevant to the provision in question in order to correctly arrive at the legislative intent behind the provision in question. Applying this principle to the case at hand which involves an interpretation of Section 17(4A), it will not be appropriate for us to read Sub-section 4A of Section 17 ignoring the other relevant provisions.”

25. The respondent having resigned from service would forfeit his past service which was not a qualifying service for pension under the Pension Rules, 1972.

26. In view of our aforesaid discussion we allow the writ petition and set aside the impugned order dated April 10, 2013 of the Tribunal and consequently the Original Application filed by the respondent is dismissed.

27. No costs.

(V.KAMESWAR RAO)
JUDGE

(PRADEEP NANDRAJOG)
JUDGE

NOVEMBER 07, 2013
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