

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15635 of 2018

Yugeshwar Sah son of Late Cheggu Sah @ Chabbu Sah, resident of Village-
Chakwa Tola, Post Office- Simri Bakhtiyarpur, Police Station- Bakhtiyarpur,
District- Saharsa.

... .. Petitioner

Versus

1. The Union Of India
2. The Director General, Department of Post, Dak Bhawan, Sansad Marg, New Delhi.
3. The Chief Post Master General, Bihar Circle, G.P.O. Complex, Patna.
4. The Director of Accounts Postal, Patna.
5. The Superintendent of Post Office, Saharsa Division, Saharsa.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Siya Ram Shahi, Adv.
Mr. Syed Masleh-Uddin Ashraf, Adv.
For the Respondent/s : Mr. Rajesh Kumar Verma, ASG

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

Date : 17-01-2020

Heard learned counsel for the petitioner and learned
counsel appearing for the respondents.

2. In the present writ petition the petitioner has prayed
for quashing the order dated 31.12.2010 passed by the Central
Administrative Tribunal, Patna Bench, Patna (for short 'the
Tribunal') in O.A. No. 530 of 2007.



3. O.A. No. 530 of 2007 was filed by the petitioner for directing the respondents to grant pension to the petitioner and consequential benefits after counting the officiating period i.e. 24.02.1997 to 31.12.1997 of the petitioner as qualifying service for pension.

4. Learned counsel for the petitioner submits that if the officiating period from 24.02.1997 to 31.12.1997 is added to the service rendered by the petitioner as a Group-D employee, he would be eligible to receive pension. He contended that the Tribunal did not consider the case of the petitioner properly and erroneously dismissed the original application.

5. The admitted case of the petitioner is that he was appointed as ED Packer, Salakhua Bazar, Saharsa Postal Division on 02.02.1970. He was approved to the cadre of Postman on 01.12.1997 under outsider quota. He underwent theoretical training for postman at Divisional office during 22.12.1997 to 27.12.1997. Thereafter, he underwent practical training at Saharsa Head Office during 29.12.1997 to 31.12.1997 and was appointed to the cadre of Postman on completion of successful theoretical and practical training on 01.01.1998 and superannuated from service on 31.01.2007.



6. The service reckoned for pensionary purpose is known as qualifying service. The actual service rendered by the petitioner in the postman cadre was from 01.01.1998 to 31.01.2007 i.e. 9 years and one month only. Even if the officiating period from 24.02.1997 to 31.12.1997 would be added and reckoned for pensionary purpose, his actual service rendered would be less than 10 years.

7. Under the Central Civil Services Pension Rules, 1972, a government servant, who retires after rendering more than or equal to 10 years qualifying service, is eligible to receive pension. A government servant, who retires before rendering less than 10 years of qualifying service, is not eligible to receive pension.

8. Admittedly, the petitioner did not complete ten years of service, Hence, he did not qualify for pension. Even if the officiating period, as argued by him, is added to the service of the petitioner, still, the petitioner would not complete minimum qualifying service required to receive pension.

9. In that view of the matter, no error can be found with the order passed by the Tribunal whereby the prayer of the petitioner was rejected.



10. The application is devoid of any merit. It is dismissed accordingly.

(Ashwani Kumar Singh, J)

(Partha Sarthy, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	24.01.2020
Transmission Date	

