

PETITIONER:
THE GOVERNMENT OF TAMIL NADU & ANR.

Vs.

RESPONDENT:
K. JAYARAMAN

DATE OF JUDGMENT: 03/02/1997

BENCH:
K. RAMASWAMY, G.T. NANAVATI

ACT:

HEADNOTE:

JUDGMENT:

O R D E R

Leave granted.

We have heard learned counsel for the parties.

When the respondent failed to be represented pursuant to the notice issued by this Court, we requested the Supreme Court Legal Services Committee to assign the counsel. Accordingly, Smt. K. Sarda Devi has been assigned the case.

This appeal by special leave arises from the order of the Administrative Tribunal, Madras, made on April 22, 1996 in O.A. No.159/90. The admitted facts are that the respondent was initially appointed in a contingent establishment on November 20, 1942 and was later appointed on regular basis as an Attendant on February 18, 1945. He tendered voluntary resignation by letter dated June 6, 1970 which was accepted by the Government w.e.f. March 19, 1970. As per the pre-existing rules, the Government servant was required to put in 30 years of qualifying service for pensionary benefits. Rules came to be amended by G.O.Ms. No.1537 which came to be effective from November 13, 1972. It was stated therein that the Government may, be giving him notice of not less than three months in writing or three months pay and allowances in lieu of such notice, after he has attained the age of fifty years or after he has completed twenty five years of qualifying service retire any Government servant. Any Government servant who has attained the age of 50 years or who has completed 25 years of qualifying service may also likewise retire from service by giving notice of not less than three months in writing to be appropriate authority. This rule has come into force, as stated earlier, w.e.f March 1, 1972. The respondent has voluntarily retired on March 20, 1970 and since then, he has already joined another institution. The view of the Tribunal that he is entitled to pension on completing 25 years of qualifying service applying the aforesaid G.O., is clearly illegal. It cannot be given retrospective effect. However, since the respondent had rendered two years of temporary service and there is a short-fall of three years for computing the pension, Government is at liberty and is accordingly directed to consider his case whether he is eligible in accordance with appropriate procedure to

pensionary benefits or relaxation may be given and pass appropriate orders within a period of four months from the date of receipt of the order.

The appeal is accordingly disposed of. No. costs.

JUDIS