

Yashwant Hari Katakhar vs Union Of India (Uoi) And Ors. on 19 September, 1994

Equivalent citations: 1995LABLC718, (1996)7SCC113

Bench: Kuldip Singh, S.C. Agrawal, B.L. Hansaria

ORDER

1. Special leave granted.

2. The appellant sought pre-mature retirement from Government service after he had put in 18½ years of service in two different departments under the Central Government. Although a request for premature retirement could be made only after 20 years of Government service but the Union of India granted pre-mature retirement to the appellant at a stage when he had served the Government for 18½ years. The question for determination is whether the appellant is entitled to any pensionary benefits. The Central Administrative Tribunal rejected the claim of the appellant.

3. Dr. Anand Prakash, learned senior Advocate appearing for the Union of India, has contended that on March 7, 1980 when the appellant was pre-maturely retired he had put in 18½ years of quasi-permanent service. According to him to earn pension it was necessary to have minimum of 10 years of permanent service. It is contended that since the total service of the appellant was in quasi-permanent capacity he was not entitled to the pensionary benefit. There is nothing on the record to show as to why the appellant was not made permanent even when he had served the Government for 18½ years. It would be travesty of justice if the appellant is denied the pensionary benefits simply on the ground that he was not a permanent employee of the Government. The appellant having served the Government for almost two decades it would be unfair to treat him temporary/quasi-permanent. Keeping in view the facts and circumstances of this case we hold that the appellant shall be deemed to have become permanent after he served the Government for such a long period. The services of the appellant shall be treated to be in permanent capacity and he shall be entitled to the pensionary benefits. We allow the appeal, set aside the judgment of the Tribunal and direct the respondents to treat the appellant as having been retired from service on March 7, 1980 after serving the Government for 18½ years (more than 10 years as permanent service) and as such his case for grant of pension be finalised within six months from the receipt of this order. The appellant shall be entitled to all the arrears of pension from the date of retirement. No costs.