

M. W. Edwards

Vs

Financial Adviser and Chief Accounts Officer

Special Leave Petition (Civil) No. 7333 of 1988

(K. N. Singh, Kuldip Singh JJ)

17.04.1989

ORDER

1. Special leave granted.

2. The main question involved in the present appeal is whether the appellant is entitled to avail the benefit of 10 years' period of service rendered by him as an apprentice for the purposes of determining his pension and other retirement benefits. There is no dispute that the appellant rendered service for a period of 10 years as apprentice before he was appointed as chargeman. While determining the appellant's pension and other retirement allowances the respondents have not taken into account the appellant's 10 years period of service rendered as apprentice.

3. After hearing learned counsel for the parties we do not find any justification for the respondents' action. The respondents have failed to explain as to why the appellant was kept as apprentice for a period of 10 years although normally the period of apprentice is 5 years only. In the counter-affidavit it is stated that the relevant records are not available and in the absence of those records no reasonable explanation could be given. In view of the special facts and circumstances of the case we do not find any justification for excluding 10 years period of service rendered by the appellant in computing his pension and other retirement allowance. We accordingly allow the appeal, set aside the order of the Tribunal and direct the respondents to compute the appellant's pension and other retirement allowances taking into account 10 years period of his service rendered as apprentice within two months. There will be no order as to costs.

</html