

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CIVIL APPLICATION NO. 8433 of 2024**

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SAHEBJI S/O BANESING RAIJADA

Versus

UNION OF INDIA & ORS.

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Appearance:

MR ANAND B GOGIA(5849) for the Petitioner(s) No. 1

MS KAJAL L KALWANI(6623) for the Petitioner(s) No. 1

MR SHUSHIL R SHUKLA(5603) for the Respondent(s) No. 1,2,3,4

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CORAM:**HONOURABLE MR.JUSTICE N.S.SANJAY GOWDA**

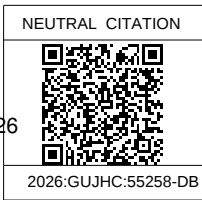
and

HONOURABLE MR.JUSTICE J. L. ODEDRA**Date : 31/08/2026****ORAL JUDGMENT****(PER : HONOURABLE MR.JUSTICE N.S.SANJAY GOWDA)**

1. The petitioner was initially working in Central Reserve Police Force (CRPF) from 7.3.1969 to 1.6.1990, i.e. is for a period of 21 years. The petitioner retired voluntarily from CRPF and thereafter, sought for an appointment in All India Radio in the year 1994.

2. On 16.12.1994, the petitioner was appointed in All India Radio, where he served till he attained the age of superannuation on 30.4.2009. In other words, he rendered the service for a period of 14 years in All India Radio.

3. The petitioner, thereafter, made a claim for counting his past service in the CRPF for the purpose of payment of pension and gratuity. This request was rejected on the ground that Rule 7(2) of the CCS (Pension) Rules did not permit a separate pension on a government servant securing a



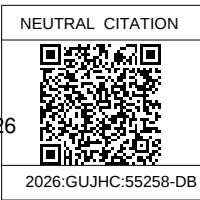
superannuation pension and thereafter being re-employed. The claim for past service under CRPF was also rejected on the ground that it was a paramilitary service and thereby a civil service and Rule 19 of the CCS (Pension) Rules only permits condonation of delay of break in service only in respect of military service.

4. Consequently, the petitioner approached the Tribunal.

5. The Tribunal, by the impugned order, has taken the view that Rule 19 can have no application to the petitioner since he had been employed by the CRPF which is not a military service and, therefore, he could not seek for condonation of the break in service.

6. Learned counsel for the petitioner points out that Rule 28 of the CCS (Pension) Rules provides for condonation of interruption in service in respect of an interruption of service between two spells of civil service and since the authorities consider the service under CRPF to be civil service, according to Rule 28, the past service rendered in CRPF would have to be taken into consideration for the purpose of computing pension and gratuity.

7. Learned counsel for the petitioner also places reliance on the judgment rendered by the Kerala High Court in the case of ***G. Bhasi v The Union of India and others*** reported in ***MANU/KE/0889/2017***, in which a similar case of an employee who had worked in CRPF for 20 years and had been relieved from service and thereafter being employed in AIR was directed to be granted the benefit of past service.



8. Rule 28 of the CCS (Pension) Rules reads as follows:

"28. Condonation of interruption in service: -

(Relevant and Important)

(1) In the absence of a specific indication to the contrary in the service book, an interruption between two spells of civil service rendered by a Government servant under Government, including civil service rendered and paid out of Defense Services Estimates or Railway Estimates, shall be treated as automatically condoned and the pre-interruption service treated as qualifying service.

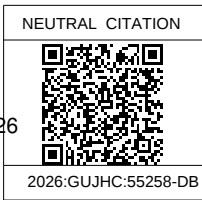
(2) Nothing in sub-rule (1) shall apply to interruption caused by resignation, dismissal or removal from service or for participation in a strike.

(3) The period of interruption referred to in sub-rule (1) shall not count as qualifying service."

9. As can be seen from the above, any interruption between two spells of civil service is to be treated as automatically condoned and the pre-interrupted service would have to be treated as qualifying service.

10. Admittedly in the very impugned order, the respondents have specifically contended that CRPF is a civil service and as a consequence, the break in service or the interruption between the service rendered by the petitioner in CRPF and the service rendered by him in AIR would have to be automatically condoned and the pre-interrupted service in CRPF is to be treated as qualifying service.

11. The argument of the respondents that the past service benefits had not been mentioned by the petitioner and he would, therefore, be dis-entitled for claiming the past service cannot also be accepted.



12. Admittedly the fact that the petitioner was appointed as a Watchman only because he had rendered past service in CRPF is not in serious dispute. This argument that the details were not mentioned by the petitioner in the form securing employment would really be of no consequence.

13. If, as a result of this order, the petitioner is required to pay back the pension that he has secured from CRPF, the same shall be done by the petitioner without any demur.

14. In the light of aforesaid specific Rule, the denial of the benefit of past service cannot be sustained and the same is accordingly quashed and set aside. The writ petition is ALLOWED.

Sd/-
(N.S.SANJAY GOWDA,J)

Sd/-
(J. L. ODEDRA, J)

OMKAR