

Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No. 526/2002

This the 23rd day of October, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)
Hon'ble Shri V.K. Majotra, Member (A)

Shri Om Prakash
S/o Shri Mukhi Chand,
Insurance Inspector/
Local Office, E.S.I.,
Corporation, Civil
Lines, (Near Rajiv Chowk)
Gurgaon (Haryana)
R/o B-2B/3,
Janakpuri, New Delhi.

-Applicant

(By Advocate: Shri S.N. Tiwari proxy for Sh. Badridas
Sharma)

Versus

1. The Controller General of Accounts
Lok Nayak Bhawan, Khan Market,
New Delhi.
2. Chief Controller of Accounts,
Ministry of Shipping & Transports,
IDA Building, Jam Nagar House,
New Delhi-110 001.
3. Chief Controller of Accounts,
Ministry of Home Affairs,
Room No. 127, D-North Block,
New Delhi-110 001.
4. Director General, Employees
State Insurance Corporation,
Kotla Road, New Delhi-110002.
5. Union of India through
Secretary, Ministry of
Home Affairs, North Block,
New Delhi-110 001.
6. Union of India through
Secretary, Ministry of Finance,
Department of Expenditure,
North Block, New Delhi.

-Respondents

(By Advocate: Shri M.K. Bhardwaj, proxy for
Shri A.K. Bhardwaj)

ORDER (Oral)

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)

In this application, the applicant has prayed
for the following reliefs:-

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"Direct the respondents to count the past service rendered by the applicant with Central Govt. department of Chief Controller of Accounts, Ministry of Surface Transport, and Chief Controller of Accounts, Ministry of Home Affairs, from 3.2.78 to 5.9.90 and pay the amount of pension, gratuity and other retirement benefits in lump sum to Director General, E.S.I. Corporation, New Delhi".

2. He has also alleged that there has been delay caused by the respondents regarding counting of his past service.

3. We have heard the learned counsel for applicant and Shri M.K. Bhardwaj, learned proxy counsel for respondents.

4. Learned proxy counsel for respondents has drawn our attention to the letter from the Ministry of Home Affairs, Pay & Accounts Office (Secretariate) dated 27.5.2002 (Annexure A-2). The relevant portion of the letter reads as follows:-

"This is in continuation of this office letter No.PAO/Sectt./MHA/Admn/PF/2002/44-46 dated 22.5.2002. As regards the payment of Lump sum prorata pension for the service rendered by him in Government of India for the period 03-02-1978 to 06-09-1990 (FN), it may be mentioned that Shri Om Prakash was relieved from Internal Audit Wing of MHA on 06-09-1990 (FN) after accepting his technical resignation. Shri Om Prakash joined Employees State Insurance Corporation on 06-9-1990 (FN). The appointment of Shri Om Prakash was offered by the Employees State Insurance Corporation vide Memo No. A-33/16/1/90-Estt/1(A) dated 30-04-1990 and this office has neither been informed the date of his permanent absorption nor the date of his confirmation in Employees State Insurance Corporation.

It is, therefore, requested that the date of his permanent absorption and confirmation may kindly be intimated so as to enable this office to initiate action

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for relieving the lump sum pro rata pension for the service rendered by him in the Central Government."

5. Learned counsel for the applicant has also referred to another letter dated 10.9.2002. From this it is seen that the respondents want to get the relevant facts from the concerned Department to enable them to take an appropriate decision in the matter with regard to counting of the past service of the applicant rendered by him in the Ministry of Home Affairs w.e.f. 3.2.1978 to 5.9.90. This in fact is the claim of the applicant with consequent payment of the pro rata pension as admissible to him in accordance with the relevant rules.

6. Applicant has also filed MA-2191/2002 to implead the Union of India through Secretary, Ministry of Finance, Department of Expenditure and the Secretary, Ministry of Home Affairs as additional parties/respondents. That MA is not opposed and is accordingly allowed.

7. In the particular facts and circumstances of the case, including the aforesaid letters issued by the concerned ¹²¹ officers of the Ministry of Home Affairs, we do not consider it necessary to issue a further notice to the newly impleaded parties, i.e., Union of India, Ministry of Finance, Department of Expenditure and Ministry of Home Affairs. From these letters, it is clear that the respondents themselves are actively considering the claims of the applicant.

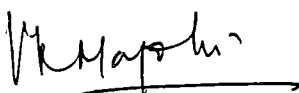
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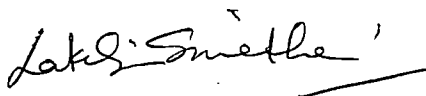
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for which they have sought necessary information. In this view of the matter, the OA is disposed of with the following directions:-

The respondents to take an appropriate decision in the matter with regard to the claims of the applicant for counting of his past service w.e.f. 3.2.1978 to 5.9.90, if not already taken, as expeditiously as possible and in any case within two months from the date of receipt of a copy of this order. The applicant shall also co-operate with the concerned officials to give any information that may be required so that an appropriate decision may be taken in the matter.

No order as to costs.


(V.K. Majotra)
Member(A)


(Smt. Lakshmi Swaminathan)
Vice-Chairman(J)

cc.