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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI

O.A. NO. 1709/2001

NEW DELHI THIS THE 28th DAY OF MAY 2002

HON'BLE SHRI GOVINDAN S. TAMPI, MEMBER (A)

B.M. Sharma, Ex. WSA, IIT
276, Dhaka, Kingsway Camp,
Delhi

.....Applicant

(By Shri V.K. Raina, Advocate)

VERSUS

1. Govt. of N.C.T.,
I.P. Estate, Player Building
ITO, New Delhi
2. Director,
Dte. of Training & Technical Education,
Rouse Avenue, Vikas Bhawan,
New Delhi

.....Respondents

(By Shri Ajay Gupta, Advocate)

O R D E R

Relief sought in this O.A. is the counting of the past service rendered by the applicant from December 1957 to March 1978, for the purposes of pensionary benefits.

2. Heard Sh. V K Raina for the applicant and Sh. Ajay Gupta for the respondents.

3. The applicant who was working as Instructor, Cutting and Tailoring in Harijan Udyogshala, an Institute affiliated to National Council for vocational training w.e.f. 1.12.57 was, following the absorption of the Udyogshala Staff in IITs, appointed as Peon-cum-Messanger on 14.12.78 and posted as Workshop Attendant w.e.f. 15.12.79. He retired on superannuation on 31.10.90. Coming to know that S/Shri Murlidhar and Ram Verma, similarly placed as himself, being the erstwhile employees Udyogshala's absorbed

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in Govt. Service, were given the benefit of inclusion of the past service, for purposes of calculation of pension, subject to their refunding his share of CPF, the applicant made representation, to his erstwhile employees. Having received no response, he had come up in this OA. According to Sh. Y K Raina, learned counsel for the applicant, denial of the benefit of inclusion of his service in Udyogshala as qualifying service for purposes of pension, was illegal, arbitrary and discriminatory. Services rendered in Autonomous bodies, have been recognised by the Ministry of HRD, Department of Pension and Pension Welfare etc. for grant of pension on retirement from the Central Govt. There was no reason why this could not have been extended to the applicant.

4. Replying on behalf of the respondents, Sh. Ajay Gupta, learned counsel points out that the applicant's case was woefully barred by limitation. The applicant who had retired as far back as 31.10.90 has come up on 11.7.2001 praying that the service rendered by him from 1957- 78, in Harijan Udyogshala, be treated as qualifying service for purposes of pension. OA deserved to be dismissed on this count alone. Besides the applicant has not been able to prove that his case was similar to those of S/Sh. Murlidhar and S R Verma. Option for counting the past service, for purposes of pension had to be given prior to 88 or within one years from the date of his absorption in the Govt. The applicant's not having done so, even after his date of retirement he cannot seek or gain any benefit. His case is barred in terms of the Govt of India's Department of Pension & Pensioners Welfare OM No. 28/18/99 P & PW (B) dated 19.4.99. In view of the above the OA should fail, according to Sh. Gupta.



5. I have considered the matter plea by the applicant who retired from the Directorate dof Training and Technical Edn, on 31.10.90 is that his services rendered by him in Harijan udyogshala from 1957-78 before his absorption in Dte of Trg & TE, be treated as qualifying service for the purpose of pension. This is disputed by the respondents as not admissible ^{by} woefully delayed. On examination of the issue. I am convinced that the applicant has lost his case, if any, by delay and inaction. Department of Personnel & Admn. Reforms OM No. 28.10.84 9.8.84 Pu dated 28.8.84 and Department of Pension and Pensioners Welfare OM No. 28/10/84-P & PW/Vol.II dated 7.2.86 and subsequent letter provided for counting the services rendered in autonomous bodies for purposes of pension, provided option for counting of the past service was exercised within one year of absorption or within one year of the issue of the orders. The applicant not having exercised the option in time, he cannot get the benefit. In the case, the applicant has cover up with the request years after his retirement and therefore it cannot be entertained. I note that in similar circumstances in the case of V.K. Ramamurthy Vs UOI & Another, [(1996) 10 SCC 73] Hon'ble Supreme Court has held that a CPF retiree was not entitled to opt for pension long after retirement. The rationale of the above decision goes against the applicant. In the circumstances, the applicant cannot successfully assail the disinclination of the respondents to entertain his request.

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6. Applicant has not, in the above view of the matter, made out any case for ~~any~~ interference. OA having no merit fails and is accordingly dismissed. No costs.

(Govindan S. Tampli)
Member (A)

Patwal/