

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.2590/96

New Delhi: this the 15th day of May, 2000.

HON'BLE MR.S.R.ADIGE, VICE CHAIRMAN(A).

HON'BLE MR.KULOIP SINGH, MEMBER(J)

Shri H.C.Mittal,

S/o Late Dewan Singh,
Ex-Scientist in the

Central Building Research Institute

(CSIR),

Roorkee (UP)

R/o Shri R.K.Mittal,

3/61, Sector 2,

Rajinder Nagar,

Sahibabad,

Distt. Ghaziabad

...Applicant.

(By Advocate: Shri K.N. Bahuguna)

Versus

1. Council of Scientific & Industrial Research,

'Anusandhan Bhawan',

Rafi Marg,

New Delhi-1

through its Joint Secretary (Admn).

2. Director,

Central Building Research Institute,

Roorkee (UP)

3. State of U.P.,

through the Chief Secretary,

Sachivalaya,

Lucknow (U.P.)

4. The Joint Secretary,

Irrigation-7, Section, Irrigation Department,

Govt. of UP

Sachivalaya,

Lucknow (U.P.)

5. Chief Engineer,

Scientific Estt. Group,

Design Organization,

Roorkee (UP)

...Respondents.

(None appeared)

ORDER

MR.S.R.ADIGE, VC(A)

Applicant seeks a direction to respondents 3 to 5 to discharge the pensionary liability in respect of service put in by him with them from 31.10.57 to 16.7.72

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to respondents 1 and 2, and a direction to respondents 1 and 2 to count the aforesaid period of service towards retiral benefits.

2. Admittedly applicant joined the services of Respondent No. 5 as Research Supervisor w.e.f. 31.10.57. He applied against an open advertisement for the post of Scientist BI in office of Respondent No. 2 through proper channel, which was forwarded by Respondent No. 5 (Annexure-A1). He was duly selected by Respondent No. 2 for the post of Scientist BI, and upon being relieved by Respondent No. 5, joined the services of Respondent No. 2 as Scientist BI w.e.f. 17.7.72.

3. While Respondents 1 and 2 in their reply contend that they can count the aforesaid past service and fix applicant's pensionary benefit only after Respondent No. 5 agrees to discharge his liability of paying the prorata sum of pensionary benefits to CSIR for the period 31.10.57 to 16.7.72 in term of DP & AR's orders dated 7.2.86, Respondents No. 3 to 5 contend that they are not liable to contribute anything towards applicant's pension in the light of Finance Ministry's OM dated 9.10.86 (Annexure-R-A to their reply) whereby the sharing of pension liability between the Central & State Govt. has since been dispensed with.

4. We have heard Shri Bahuguna for applicant. None appeared for respondents. As it is an old case we are disposing it off after hearing Shri Bahuguna and perusing the materials on record.

5. It is not denied that applicant put in service with Respondents 3 to 5 for the period 31.10.57 to 16.7.72. If the aforementioned period of service meets the criteria of pensionable service, applicant should

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not be denied the benefit of the same for counting of pensionary benefit merely because while DP & AR's OM dated 7.2.86 requires Respondents 3 to 5 to pay the prorata sum of pensionary benefits to CSIR for the period 31.10.57 to 16.7.72 ~~where~~ Finance Ministry's OM dated 9.10.86 has dispensed with the question of sharing of pension liability between the State and Central Govts.

6. As applicant retired from the service of Respondents 1 and 2, this OA is disposed of with a direction to them to satisfy themselves that the period of service rendered by applicant from 31.10.57 to 16.7.72 qualifies for pension, and if so count the aforesaid period of service for determination of applicant's retiral benefits, with liberty to them to raise debit against respondents no. 3 to 5. These directions should be implemented within 3 months from the date of receipt of a copy of this order. No costs.


(KULDIP SINGH)
MEMBER (J)


(S.R. ADIGE)
VICE CHAIRMAN (A)

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