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CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

O.A. No.825 of 1996

New Delhi, dated this the 25th February, 1997

HON'BLE MR. S.R. ADIGE, MEMBER (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri Jagdishwar Tyagi,
S/o Shri Het Ram,
Technician VIII,
National Physical Laboratory,
R/o Vill. & P.O. Holambi Kalan,
Delhi-110082. APPLICANT

(By Advocate: Shri S.K.Sawhney)

VERSUS

1. The Chief (Administration),
Council of Scientific & Industrial
Research,
Rafi Marg,
New Delhi-110001.
2. The General Manager,
Ordnance Factory,
Ministry of Defence,
Muradnagar,
Ghaziabad Distt.,
U.P. RESPONDENTS

(By Advocate: Ms. Anjana Aiyagari for R-1

Shri V.S.R.Krishna for R-2

J U D G M E N T

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

Applicant seeks counting of his past service with Respondent No.2 from 2.3.63 to 15.7.78 for pensionary and other benefits in the light of Rule 30, 33 & 34 CCS (Pension) Rules read with CSIR letter dated 9.2.77.

2. Respondent No.2 contends that although applicant worked in Ordnance Factory, Muradnagar from 2.3.63 to 15.7.78 he did not apply through proper channel for appointment in NPL, but on selection in NPL he tendered his resignation which was accepted vide Order dated 15.7.78 (Ann. R-1) and was paid an amount of Rs.3613/- towards

his final G.P.F. on 26.12.78. As he did not apply through proper channel, and his resignation having been accepted from Ordnance Factory, Muradnagar, he was free to apply and join any post without liability on the part of Respondent No.2.

3. During hearing applicant's counsel relied heavily on para 6(ii) of 'Benefits Available to Permanent Central Govt. Empllyees' seeking permanent absorption under PSUs/Autonomous Bodies from time to time. In our view all that this sub-para states is that whereas earlier pro rata retirement benefits were available to those Govt. servants who were absorbed in PSUs/Autonomous Bodies in public interest, these pro rata retirement benefits would be available to those who were appointed there on their own applications, with the consent and approval of their parent organisation, and then subsequently got absorbed there w.e.f. 21.4.72. In other words to get the benefit of pro rata retirement benefits the Govt. employee had either to be deputed to the PSU/Autonomous Body in public interest and got himself absorbed there, or apply through proper channel and have his application forwarded by his parent organisation^A for appointment in the PSU/Autonomous Body and after appointment there, get himself absorbed there subsequently. In either case the Govt.

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organisation would be deemed to have agreed to bear its share of the employees retirement benefits for the period of service he had put in with them. This sub-para cannot be taken out of context, in isolation and interpreted to mean that after a Govt. servant has resigned from Govt. and severed all connections with it, and collected whatever retirement dues (if any) that were admissible to him, and without seeking the prior permission of the Govt. applies for and gets appointed in a PSU/Autonomous Body, he is entitled to have his period of service in Govt. counted towards retiral benefits, and compel Govt. to bear the proportionate share of those benefits. It has to be read along with sub-para 6(i) which bears out our view.

4. It may be mentioned here that the applicant has also not furnished a copy of his resignation letter, and neither has he been able to establish his rights ^{under} ~~and~~ Rules 37/37A CCS (Pension) Rules.

5. The O.A. fails and is dismissed.
No costs.

A. Veda Valli
(DR. A. VEDAVALLI)
Member (J)
/GK/

S. R. Adige
(S.R. ADIGE)
Member (A)