

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.1126/97

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Smt. Shanta Shastray, Member(A)

New Delhi, this the 6th day of July, 2000

Shri Chaman Lal Issar
House No.100 Sector-4
Urban Estate
Gurgaon. ... Applicant

(By Shri S.K.Anand, Advocate)

Vs.

1. Union of India through
The Director
Intelligence Bureau
Ministry of Home Affairs
Govt. of India,
New Delhi.
2. Assistant Director(E)
Intelligence Bureau
Ministry of Home Affairs
Govt. of India,
New Delhi.
3. Assistant Director
Department of Defence Production
DTE General Quality Assurance
Ministry of Defence
Govt. of India
D.H.Q.Post
New Delhi. ... Respondents

(By Shri S.Mohd. Arif, Advocate)

O R D E R (Oral)

By Reddy. J.

The applicant was initially appointed as Tracer in the Inspectorate of Instrument, Raipur, Dehradun and he worked as such from 1963 to 1969. He was later on appointed in 1969 in Intelligence Bureau as ACIO Grade-II. The applicant resigned in the Inspectorate of Instruments on 18.9.1969 and joined in the Intelligence Bureau. Relying upon the Article 418(b) of Central Service Rules (for short CSR), he applied for the benefit of the past service in the Inspectorate of Instruments in Intelligence Bureau for the purpose of pension and other benefits. He filed a representation on



8.7.1970. The said representation was turned down by the respondents by letter dated 16.3.1971 stating that his name was not sponsored by the employment exchange. and that the CSR 418(b) was not complied with and that the applicant did not resign his appointment to take up another appointment with proper permission. The applicant made several representations seeking the benefit of the past service. It is also stated by the applicant that in letter dated 29.7.1983, the applicant was stated to be entitled for the past service. In spite of the same, the respondents declined to give the benefit of the past service. In the letter dated 29.4.1997 which was passed in response to his representation dated 31.12.1996, it was reiterated that the applicant was not entitled for the said benefit. The OA is therefore filed seeking the benefit of the past service in the Inspectorate of Instrument.

(3)

2. The counsel for the respondents raised a preliminary objection as to the limitation. It is also stated that the applicant is not entitled for the benefit of the past service as he has not resigned his appointment to take up another appointment with proper permission and that Article CSR 418(b) is not complied with.

3. Heard the counsel for the applicant and respondents.

4. We have given careful consideration to the contentions raised by the respondents. We are of the view that this OA is not only barred by limitation and



laches but also devoid of merits. It is not in dispute that the applicant has been appointed in the Intelligence Bureau in 1969. Soon after he made a representation on 8.7.1970 that he was entitled for the benefit of the past service, Article 418(b) of CSR. Thereupon the Assistant Director, Intelligence Bureau wrote a letter to the Chief Inspectorate of Instrument on 3.3.1971. By letter dated 16.3.1971 his request has been rejected by the Chief Inspectorate of Instrument. A perusal of the letter makes it abundantly clear that his representation dated 3.3.1971 has been considered and clear reasons were given for rejection of the permission.

(A)

5. When the application has been rejected the applicant except stating that he has been making representations, has not questioned the same or agitated about his rights in any forum. The learned counsel for the applicant relies upon the order dated 29.7.1983 passed by the Assistant Director, Ministry of Defence Production Department where it was stated that the applicant was entitled for the benefit of past service. However the applicant was not granted the benefit by the respondents. When such is the case the applicant at least ^{should have} approached the Courts or the Tribunal thereafter for the grant of the benefit of the past service. He has not done so. He waited till 1996 and then he made a representation dated 31.12.1996. This representation was also rejected reiterating the previous stand taken by the respondents. These proceedings made after expiry of the period of limitation would not give any cause of action to the applicant to file the present OA.

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6. It was stated that he did not resign his previous appointment to take up another appointment. It was not shown that ^{he} had any proper permission from the establishment even for appearing in the interview. Under Sub rule (2) of Rule 26 of the CCS (Pension) Rules, a resignation shall not entail forfeiture of past service, if it has been submitted to take up, with proper permission, another appointment, whether temporary or permanent, under the Government where service qualifies. This position is therefore not satisfied in the present case.

7. Thus on merits as well as limitation the OA lacks merit. The OA is accordingly dismissed. No costs.

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(SMT. SHANTA SHAstry)
MEMBER(A)

V.Rajagopala Reddy

(V.RAJAGOPALA REDDY)
VICE CHAIRMAN(J)

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