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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. No. 228/94

New Delhi, dated the 21th November, 1994.

CORAM

Hon'ble Smt. Lakshmi Swaminathan, Member (Judicial)

Shri N.B. Srivastava,
r/o N-32, Jangpura Extension,
New Delhi-14

... Applicant

(By Advocate Shri D.R. Gupta)

V/s

1. Union of India through the
Chief Commissioner of Income Tax (Admn)
C.R. Building, I.P. Estate, New Delhi
2. Director of Industries,
Govt. of U.P.
Kanpur (UP)

... Respondents

(By Advocate Shri R.S. Aggarwal,
counsel for the respondent No.1)

ORDER (ORAL)

[Hon'ble Smt. Lakshmi Swaminathan, Member (J)]

The applicant, who retired from service of respondent No.1, is aggrieved by inaction of the respondents 1 and 2 for not counting the period of his service from 1.12.1959 to Respondent 2 - 28.10 1964 rendered by him under the Government of U.P. and in computing the said period for purposes of pensionary benefits. Learned counsel for the applicant has drawn

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my attention to the order passed by the Chief Commissioner
(Admn) of Income Tax, C.R. Building, New Delhi

dated 18-1-1990 (Ann.A.VII) which is reproduced below:-

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Subject:- Claim for the benefit of past
service towards the qualifying
service for the purposes of pension
in respect of Shri N.B.Srivastava,
I.T.O.

I am directed to say that the
Chief Commissioner(Admn) of Income-Tax,
New Delhi, being Head of the office has
in terms of the provision under Rule 59(iv)
of CCS(Pension) Rules, 1972, accepted the
declaration made by Shri N.B.Srivastava,
ITO(Retd.) and the collateral evidence given
in support of his contention to have served
with the Director of Industries(U.P.) as
Industrial Inspector from 1-12-59 to 28.10.64
admit the portion of his service from 1.12.59
to 28.10.1964, as having been rendered for
the purpose of calculation of pension of Sh.
N.B.Srivastava.

The period of service from 1.12.59
to 28-10-64 stands verified and will now count
as qualifying service for the purpose of
pension."

According to the applicant, inspite of the aforesaid
order of the Chief Commissioner(Admn) of Income Tax,
C.R. Building, New Delhi, the applicant's qualifying
service from 1.12.59 to 28.10.1964 has still not been
taken into account for the purpose of pensionary benefits
No reply has been filed by the respondent No.2, though
notice served.. Applicant has retired on 31-7-1989.

2. Learned counsel for respondent No.1
states that the order of the Chief Commissioner of Admn.
dated 18-1-90 is to be supported by the service records of

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the applicant in the matter of his services with respondent No.2 during the period in question i.e. from 1.12.59 to 28.10.1964. According to him, the Zonal Accounts Officer, CBDT, New Delhi to whom the order has been issued, will not be able to act upon this order unless the service records of the applicant are made available to him by the U.P. Government.

3. I am not satisfied with the above arguments of the learned counsel for the respondent inasmuch as they had sufficient time to procure the necessary documents after the applicant retired on 31.7.1989. Apart from this, it is seen that the order of the Chief Commissioner (Admn.) dated 18-1-90 is based on some evidence on which he has come to the conclusion that the applicant had served as Industrial Inspector with the Director of Industries (U.P.) from 1-12-59 to 28-10-1964. He has stated that the period of service of the applicant for the said period stands verified and will count for the purpose of calculation of pension. The Respondents have not disputed the correctness of

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the above position. They have also prayed that the Tribunal may pass such orders as may be deemed fit.

4. In the facts and circumstances of the case, the respondent No.1 is directed to implement the order dated 18.1.90 (Annexure A-VII) and include of the applicant the qualifying service/ from 1.12.59 to 28-10-1964 for recalculating his pensionary benefits. within a period of four months from the date of receipt of a copy of this order. Learned counsel for the applicant also pressess for payment of interest on account of delay in payment of pension. The Respondents are directed to pay interest as admissible under the Rules on the difference of pension.as calculated above.

5. With the above directions, the OA is disposed of. Cost of Rs 100/- (One hundred) is also given in favour of the applicant, against Respondent 1.

Lakshmi Swaminathan
(Lakshmi Swaminathan)

Member (J)