

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, DELHI.

O.A. No.562/1989.                      DATE OF DECISION: 29-7-1992.

Kumari Daya Pant                      ....                      Applicant.

V/s.

Union of India & Ors.                      ...                      Respondents.

CCRAM: Hon'ble Mr. T.S. Oberoi, Member (J).  
                    Hon'ble Mr. P.C. Jain, Member (A).

Shri P.T.S. Murthy, counsel for the applicant.  
Shri M.L. Verma, counsel for the respondents.

JUDGMENT

(delivered by Hon'ble Mr. P.C. Jain, Member)

The applicant herein joined C.P.W.D. as Lower Division Clerk on 7.9.1978 on a purely temporary appointment. She was declared quasi-permanent while working in the office of Superintending Surveyor of Works (Aviation) as Lower Division Clerk with effect from 7.9.1981 vide order dated 8.12.1983. She applied on 21.4.1983 for the post of Junior Hindi Translator in the Central Board of Secondary Education (An Autonomous Organisation under the Union Ministry of Education & Culture, Government of India). She was selected for that post and she was to be on probation for one year from the date of joining. Superintending Surveyor of Works (Aviation), CPWD, New Delhi, vide Office Order dated 19-12-83 allowed the applicant to join in the aforesaid post of Junior Hindi Translator and relieved her in the afternoon of 19-12-83. Her lien on the post of L.D.C. in the CPWD was ordered to be retained for a period of two years as per conditions laid down in the Ministry of Home Affairs O.M. dated 22-1-66 and O.M. dated 14-7-67. At the time of relief, she had given a declaration that she will resign/retire from the post of Lower Division Clerk in the office of the Superintending Surveyor of Works (Aviation), C.P.W.D., with effect from the date she completes two years in the post of Junior Hindi Translator in the office of Central

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Board of Secondary Education or till she was permanently absorbed in the aforesaid organisation, whichever is earlier subject to the conditions mentioned in the Ministry of Home Affairs Memos already referred to above, thereby severing all her connections with the Ministry/ Department. In this declaration, she also gave an undertaking that she will give due notice as required under the rules. She was confirmed as Junior Hindi Translator with effect from 20.12.1984 in the Central Board of Secondary Education. She tendered her resignation in technical terms from the post of L.D.C., vide letter dated 14-3-1987. The Central Board of Secondary Education did not take the consent of the parent employer of the applicant before absorbing her in its organisation. She joined the National Cooperative Development Corporation, New Delhi, from the afternoon of 2.4.1987 as Programme Officer (Hindi). It is in this background that she has filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985, praying for the following reliefs: -

- (1) Direct the Respondents more especially respondent No.3, to complete the service book of the applicant and to forward the same to Respondent No.4 for further completion of the same so as to enable the applicant to get her pension and other terminal benefits for the service she has rendered with the Respondent No.3, who is under the Administrative Control of Respondent No.2 and Respondent No.4.
- (2) Direct the Respondents to pay the applicant her pension and other retirement benefits such as gratuity etc. for the period the applicant has rendered pensionable service with the Respondents.
- (3) Allow 18% interest or the percentage of rate of interest prevailing on the amount of terminal benefits from the day they became due to the applicant.

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- (4) Allow this application with costs.
- (5) Award any other relief or reliefs which this Hon'ble Tribunal is pleased to award in the circumstances of the case to meet the ends of justice. "

2. Here it may be stated that the National Cooperative Development Corporation, New Delhi, has neither been arrayed as respondent in this case, nor this Tribunal has jurisdiction over this Corporation. The respondents have filed a reply to which a very sketchy rejoinder has been filed by the applicant. We have perused the material on record and also heard the learned counsel for the parties.

3. In the reply filed on behalf of respondents No.1,2 and 3, viz., (1) Union of India, (2) Director General (Works), CPWD, and (3) Superintending Surveyor of Works (Aviation), CPWD, it is stated that the service book with the leave account, complete in all respects, has already been sent to the Central Board of Secondary Education (respondent No.4), vide letter dated 12.7.89 (R-10). It is also stated in the reply that the terminal gratuity amounting to Rs.1,528/- for the period of service rendered by the applicant in CPWD from 7.9.78 to 19.12.84 has also been sent to the Central Board of Secondary Education by cheque dated 12.7.89, vide letter of the same date (R-10). From this, it is clear that the reliefs prayed for by the applicant have already been granted to her. It needs to be stated that as the applicant had not put in a minimum of 10 years service under the Government before her absorption in the Central Board of Secondary Education, which is an autonomous body, she was not entitled to payment of monthly pension, but as a quasi-permanent employee, she was entitled to only payment of terminal gratuity in accordance with Rule 11 of the Central Civil Services (Temporary Services) Rules, 1965. It may also be mentioned that as per orders contained

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in the Government of India, Department of Personnel & A.R. O.M. No.28-10/84-Pension Unit, dated the 29th August, 1984, in respect of personnel other than scientific employees, who are permanent in Central Government, in the event of their subsequent permanent absorption in public sector undertakings or any autonomous body, proportionate retirement benefits for the service rendered in Government till the date of permanent absorption are allowed as per rules in force at the time of absorption. It is also stated that no such benefit is allowed to temporary employees going over to autonomous body or undertaking. Thus, even under these orders, the applicant was entitled to retirement benefits on the service rendered in Government as per rules in force at the time of absorption.

4. Learned counsel for the applicant urged in the course of oral submissions that her service in Government should be directed to be counted as qualifying service for monthly pension. In support of this contention, he, however, did not show us any rules or orders. The Central Board of Secondary Education (respondent No.4), as already stated, is an autonomous organisation. It has not been shown that the Tribunal has jurisdiction over respondent No.4. Respondent No.4 has also not filed any reply. We also do not know whether respondent No.4 has a regular pension scheme for its employees. The applicant even left the organisation of respondent No.4 and joined the National Co-operative Development Corporation. At the time of joining the Corporation also, she had not completed 10 years of service. Therefore, even on this ground, she will not be entitled to a regular monthly pension; for less than 10 years of service, she is entitled only to terminal gratuity. As the Government has already paid terminal gratuity for the period of service rendered by her under the Government, and as no case has been made out for any other relief, the reliefs prayed for by the  
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learned counsel for the applicant in the course of oral submissions cannot be granted to her.

5. In the light of the foregoing discussion and on the basis of the position as it obtains on date, as already discussed above, there is nothing left in this O.A. and the same is accordingly dismissed. No costs.

*(Sd/-)* 29/7/92  
(P.C. JAIN)  
MEMBER (A)

*(Sd/-)* 24.7.92  
(T.S. OBEROI)  
MEMBER (J)