

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

DA 1121/88, date of decision: 12.11.93

Shri C.J. Roy, Hon'ble Member (A)
Shri B.K. Singh, Hon'ble Member (J)

Shri S.P. Mehrotra
Addl. Central Provident Fund Commissioner
Central Provident Fund Commission
9th Floor, Mayur Bhawan
New Delhi

.. Applicant

by Shri N.L. Duggal, Advocate

Versus

Union of India, through

1. Secretary,
Ministry of Labour & Employment
Shram Shakti Bhawan
New Delhi-110 001

2. Central Provident Fund Commissioner
Mayur Bhawan
New Delhi-110 001

3. The Secretary
Dept. of Pension & Pensioner's Welfare
North Block
New Delhi

.. Respondents

by Shri P.P. Khurana and
Shri George, Counsel

ORDER

By Hon'ble Member (J) Shri C.J. Roy

We have heard Shri George, proxy counsel for Shri P.P. Khurana, learned counsel for the respondents. None for the applicant is present. This case is coming since September, 1993 and the applicant is not taking any interest and in none of the adjournments he was present subsequently. We have therefore decided to dispose off the case on merits.

2. Brief facts of the case are that the applicant has filed this application under Section 19 of the A T Act, 1985 claiming a relief that the past service rendered by him in the National Research Development Corporation of India (NRDC in short) for about eight years be considered as continuous service for the purpose of pension, gratuity and other retirements benefits and for issuing appropriate orders accordingly.

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3. The applicant was employed in the NRDC under the Department of Science & Technology with effect from 18.5.54 to 28.2.62. He left the service of NRDC on 28.2.62 and joined on the same day the Employees' Provident Fund Organisation (EPFO in short). He says that his employment under the EPFO was through proper channel and that there was no break in service. The applicant says that in NRDC he was governed by Contributory Provident Fund (CPF in short) Scheme and that on leaving NRDC he was paid the CPF amount due to him. Subsequently he joined the EPFO where he claims the pension scheme is applicable. He claims that the Government have liberalised the orders relating to grant of retirement benefits to the employees on their permanent absorption in an autonomous body under their control. Under the circumstances, he claims that his previous 8 years service rendered in NRDC be counted as continuous service for the purpose of pension etc.

4. The applicant had made a representation on 5.9.80 (Annexure V) in which he had stated that he had received CPF from NRDC and if it is necessary he would return that amount to NRDC and that his past service of 7 years, 9 months and 10 days should be counted towards pensionary service as stated earlier. This was followed by another representation dated 3.3.1987. This was rejected by way of Memorandum No. Admn (R-I) 60 (4)/80/13983 dated 12th June, 1987.

5. The respondents have filed their counter opposing the claim of the applicant and stating that the applicant was governed by the CPF scheme while working in NRDC and had received the CPF amount from that Corporation. The EPFO is a statutory organisation set up under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 and their service conditions are governed by Section 5-D of the said Act. It is also stated in the counter that the claim of the applicant is not covered by the OM No.28/10/84-Pension Unit dated 29.8.1984 issued by the Department of Personnel and Administrative Reforms regulating the cases of counting of service for pension in respect of Central Government employees going from one autonomous body to another Central autonomous body and therefore the rejection of the request is proper.

6. The rest of the allegations are not germane to the issue.

7. The short point for consideration is whether the applicant is entitled for the relief claimed by him, i.e. the past service of about 8 years rendered by him in NRDC should be counted as continuous service for the pensionary benefits.

8. It is admitted by the applicant himself that NRDC is governed by CPF Scheme and that on the date of release he has already received the amount from that Corporation. Shri George, learned proxy counsel observed that the EPFO is a statutory body and the service rendered in NRDC, being a public sector undertaking, can not be counted as a continuous service for retirement benefits. Besides, we are also satisfied that the EPFO is an attached office of the Ministry of Labour of the Government of India and is not a public sector undertaking.

9. The assertion of the applicant that the Government have liberalised the policy of counting of continuous service for a person going from one public sector undertaking to another public sector undertaking is not applicable in this case. In the Memorandum dated 12.6.1987 referred to earlier, it is categorically stated that the matter was examined in consultation with the Department of Pension & Pensioners' Welfare and the NRDC being a public sector undertaking, the applicant's case is not covered by the provisions of Department of Personnel & Administrative Reforms OM No.28/10/84-Pension Unit dated 29.8.1984.

10. In the circumstances, we feel that the applicant has not made out a case. The application is, therefore, dismissed with no order as to costs.

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(B.K. Singh)
Member (A)
12.11.93

13/11/93
(C.J. Roy)
Member (J)
12.11.93