

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI.

O.A. No. 1304/1987.

Date of decision: January 12, 1993.

Dr. G. Ramchandran

...

Petitioner.

Vs.

Union of India
through the Secretary,
Department of Pension & Pensioners' Welfare, Nirvachan Sadan,
New Delhi-110001. ... Respondent.

CORAM :

HON'BLE SHRI JUSTICE V.S. MALIMATH, CHAIRMAN.

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

For the petitioner

...

Petitioner in person.

For the respondent

...

Shri P.P.Khurana,
counsel.

JUDGMENT (ORAL)

(By Hon'ble Shri Justice V.S.Malimath, Chairman).

The petitioner, Dr. G. Ramachandran, commenced his career in the Agricultural Economics Research Centre of the University of Madras as a Research Investigator from 15.7.1954 to 27.4.1955. He was subsequently promoted as Senior Research Investigator and worked as such from 28.4.1955 to 11.1.1957. Thereafter he was appointed as a Statistical Officer in the All India Handicrafts Board, Government of India, which post he joined on 17.1.1957 after tendering his resignation as Senior Research Investigator. In due course he retired on 30.9.1985 after attaining the age of superannuation. He has been given the pensionary benefits taking into consideration the service rendered by him in the Central Government from 1957 onwards. In this petition, the

petitioner made a prayer contending that his pensionary and retiral benefits should be fixed taking into consideration the service rendered by him between 15.7.1954 and 11.1.1957 when he was working as Research Investigator and Senior Research Investigator in the Agricultural Economics Research Centre - University of Madras. In support of his claim he relied upon the Office Memorandum No.28/10/84-Pension Unit dated 29.8.1984 issued by the Department of Personnel and Administrative Reforms which is produced in this case as Annexure 'B'. The request made by him in his representation not having been granted, he has approached the Tribunal for appropriate reliefs in this behalf.

2. The principal contention of Dr. G. Ramachandran is that he fulfils all the conditions prescribed by the order of the Government in Annexure 'B'. According to him, the said order enables him to count the service rendered by him in the Agricultural Economics Research Centre from 15.7.1954 to 11.1.1957 for the purpose of computing the qualifying service for grant of pension. He relies upon paragraph 3(b) (ii) which reads as follows:

"An employee of an autonomous body on permanent absorption, under the Central Government will have the option either to receive CPF benefits which have accrued to him from the autonomous body and start his service afresh in Government or choose to count service rendered in that body as qualifying service for pension in Government by foregoing employer's share of Contributory Provident Fund contributions with interest thereon which will be paid to the concerned Government Department by the autonomous body. The option shall be exercised within one year from the date of absorption. If no option is exercised within stipulated period,

employee shall be deemed to have opted to receive CPF benefits. The option once exercised shall be final."

Relying on this paragraph, he submits that the petitioner having been absorbed in the service of the Central Government after his having rendered service in a Central autonomous body, he is entitled to count his service rendered by him in such an autonomous body for the purpose of pension. He further submits that the Agricultural Economics Research Centre is a Central autonomous body contemplated by the order of Government and the condition specified in paragraph 4 of the aforesaid Office Memorandum is duly satisfied in this case. For the sake of convenience, we shall extract paragraph 4 which reads as follows:

"Central autonomous body" means body which is financed wholly or substantially from cess or Central Government grants. "Substantially" means that more than 50 per cent of the expenditure of the autonomous body is met through cess or Central Government grants. Autonomous body includes a Central statutory body or a Central University but does not include a public undertaking.

Only such service which qualifies for pension under the relevant rules of Government/autonomous body shall be taken into account for this purpose."

Dr. Ramchandran invited our attention to the averment in paragraph 4(a) of the petition in support of his case that the Agricultural Economics Research Centre is financed wholly through grants from the Ministry of Agriculture, Govt. of India and has, therefore, the status of a Central autonomous body

3. In the reply filed by the respondent in this case,

it is stated that the contention of the petitioner in this

behalf is not correct inasmuch as that the employees of the AERC are governed by the rules and regulations of the Universities. Though the expenditure on their pay and allowances and other service charges are met totally from out of the grants released by the Govt. of India, they cannot be treated as employees of the Central Government Autonomous Bodies as AERC is not a Central Autonomous Body. It is also stated that there is no pension scheme available in the Madras University. It is stated that the Government of Tamil Nadu has not so far entered into any reciprocal arrangements with the Government of India for counting such service. The clear effect of the stand taken by the respondent in their reply is that the petitioner was really the employee of the Madras University when he was borne on the establishment of A.E.R.C. Though AERC received funds from the Govt. of India to meet the entire expenditure in regard to pay and allowances, the other expenditure was not met by the Govt. of India. The same was met by the University of Madras as the AERC was obviously a project of the Madras University itself. The petitioner himself has stated that he was working in the Agricultural Economics Research Centre - briefly AERC- University of Madras, Madras. That this particular project known as the 'AERC' was financed to the extent of pay and emoluments of the staff concerned does not given the AERC itself the status of an autonomous body. If it was a Central Government Autonomous Body, the petitioner would not be governed by the rules and regulations of the Madras University. The fact that he was governed by the rules and regulations of the Madras University

clearly shows that the AERC was not Central autonomous body but was under the overall control of the University of Madras.

That being the position, the body of which the petitioner could be regarded as the employee is not the AERC but the University of Madras. Hence, it is not enough to establish that AERC was receiving substantial contribution from the Government of India to confer on it the status of Central Government Autonomous Body and the petitioner must be regarded as its employee. The petitioner can succeed by establishing that the University of Madras was receiving more than 50% of funds as grants from the Central Government. That is not the case of the petitioner. Hence, we are satisfied that the petitioner has failed to establish that he was an employee of the Central Autonomous Body from 15.7.1954 to 11.1.1957 which is the primary condition that has to be satisfied for the purpose of counting the said service for pension under the Central Government. For the reasons stated above, this petition fails and is dismissed. No costs.

Anfobige
(S.R. ADIGE)
MEMBER (A)

V.S. Malimath
(V.S. MALIMATH)
CHAIRMAN