

(11)

S.No.1

OA No.1993/91

03.09.92

Present:

Shri Umesh Mishra, counsel for othe applicant.

Shri A.K. Behra, counsel for respondent No.1.

Shri M.L. Verma, counsel for rest of the respondents.

All are heard finally. Counter filed by Shri Verma, is perused.

The applicant was a permanent employee of Dandakaranya Development Authority (DDA). He, in pursuance of some offer of appointment from Western Coal Fields Ltd., Korba Colliery was relieved from DDA w.e.f. 30.7.83 with the instructions to report to Korba. He was allowed to retain lien in DDA for 6 months. He reverted back to DDA within 6 months. However, the contention of the learned counsel for the applicant is that for the period between July, 1983 to December, 1983, when the applicant was with the Western Coal Fields Ltd., the respondents

(12)  
- 2 -

are not giving any benefit. So far as his pension is concerned, he has come on pensionary establishment from 31.08.90.

The short point involved is whether the said period should be counted for purposes of pension. The counter filed by Shri Verma shows that the applicant was with Western Coal Field Ltd.(WCL) on daily wage basis and therefore the period of his service with WCL was not counted.

It appears from the Office order dt. 28th July, 1983 that the DDA issued a proper order for release of the officer in pursuance of an appointment given to the applicant by WCL. This order clearly stated that his lien may also be retained. The counsel for the applicant quoted an office order dated 14.10.86 issued by the DDA in respect of another employee similarly placed where the period has been duly taken into reckoning for purposes of pension. The employee in that order was Shri S.K. Majoomdar, who also went on foreign services under WCL on daily wage basis and joined back DDA.

In the circumstances, we direct that the period between July to December, 1983 that the applicant has spent with WCL, should be counted towards his pension. With the direction, the OA is disposed of with no order as to costs.

*I.P. Gupta*  
( I.P. Gupta )

Member (A)

*Ram Pal Singh*  
(Ram Pal Singh)

Vice Chairman(J)