

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH : NEW DELHI

...

O.A. No.2696 of 1993

(A)

Dated New Delhi, this the 25th day of April, 1994

Hon'ble Shri J. P. Sharma, Member (J)  
Hon'ble Shri B. K. Singh, Member (A)

Shri R. N. Sharma  
Senior Accountant  
Principal Accounts Officer  
DGW/WAD, Nirman Bhawan  
NEW DELHI 110 011

R/o 49-1A, Sector-II  
Gole Market  
NEW DELHI 110 001

... Applicant

(By Advocate: Shri Ashish Kalia)

VERSUS

1. The Chief Controller of Accounts  
Ministry of Urban Development  
Nirman Bhawan  
NEW DELHI 110 011

2. The Principal Accounts Officer  
(DGW) CPWD  
Ministry of Urban Development  
Nirman Bhawan  
NEW DELHI 110 011

... Respondents

(By Advocate: Shri V.S.R. Krishna)

O R D E R  
(ORAL)

Hon'ble Shri J. P. Sharma, M(J)

The case of the applicant is that earlier to appointment as UDC in the Principal Accounts Office (DGW) CPWD, Ministry of Urban Development, he has worked in the State of Rajasthan as a school Teacher in the Government Secondary School, Kaman in District Bharatpur. During the course of his employment with the respondents, the applicant was promoted to the post of Senior Accountant and he retired on super-annuation on 31.12.93. The applicant applied to Respondent No.2 for counting of his past service rendered with the Rajasthan Government as School Teacher

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w.e.f. 1.9.59 to 22.11.66. The respondents vide impugned order dated 19.11.93, rejected the application of the applicant on the ground that the Service Book of the applicant maintained by the respondents did not have any entry regarding the service rendered by the applicant as School Teacher and that his resignation from the said post was 'technical' one after taking proper permission before joining the Central Government service. It is stated in the impugned order that unless his particulars are available, it was not possible to count the service rendered by the applicant with the State of Rajasthan as qualifying service for grant of pension under CCS(Pension)Rules, 1972.

2. The respondents, in their reply, have stated that inspite of having written to the Inspector of Schools, Department of Education, Bharatpur, Rajasthan for intimating the details of the continuous service rendered by the applicant, no reply has been received from the Inspector of Schools.

3. We heard the counsel of the parties at length and perused the record of the case. During the course of hearing, the applicant's counsel also showed a certificate issued by District Inspector of Schools, Bharatpur whereby it is written that

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the applicant has served as Assistant Teacher since 1.9.59. In fact, this certificate cannot give any indication as to whether the applicant has been in continuous service from September, 1959. Moreover, the applicant should have also pursued the matter with the Inspector of Schools, Bharatpur to process the case of the applicant and writing the same directly to the Respondent No.2 indicating therein that the applicant has been in continuous service for certain period and thereafter he joined the Central Government service by taking due permission from the parent Department.

4. The learned counsel for the applicant, however, argued that it was the responsibility of the Respondent No.2 to get the necessary details from the earlier employer i.e., State of Rajasthan, for verifying the service rendered by the applicant as a School Teacher. The respondents have also, in their reply, stated the fact that inspite of a communication sent to the Inspector of Schools, Bharatpur, Rajasthan in June, 1992, no reply has been received by them. The impugned order also revealed the same fact. The applicant's counsel, however, stated that he has certain photocopies with him and the respondents in their reply have stated that even from those photocopies, no case is made out as this does not show that the applicant was

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in continuous service as a School Teacher in the Department of Education, Government of Rajasthan.

The Tribunal cannot make a roving enquiry about the qualifying service of the applicant. The applicant, of course, has a right to represent for counting of his past service according to rules in vogue at the relevant time.

5. The learned counsel for the respondents have argued that the matter is barred by limitation, but it is not so. The applicant superannuated from his service on 31.12.93. Only thereafter the cause of action for counting of qualifying service for pension has arisen in his favour.

6. We dispose of this application at the preliminary stage itself after hearing the counsel for the parties as follows:

- (i) The applicant shall make a representation to the respondents indicating full details of his service rendered as a School Teacher in the Department of Education, Government of Rajasthan authenticated by documentary evidence.
- (ii) The applicant shall also pursue the matter with the State of Rajasthan to the Department of Education or Inspector of Schools, Bharatpur to make available necessary records to Respondent No.2, clearly showing that the applicant joined the Central Government service after taking due permission from

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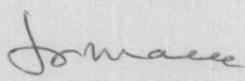
the State Government and was relieved from the parent Department to join the Central Government service.

(iii) The respondents shall, therefore, consider the representation of the applicant and if necessity arises, to call for reply from Department of Education, State of Rajasthan for verifying the service alleged to have been rendered by the applicant from September, 1959 till November, 1966 before his joining the Central Government as UDC.

7. The Respondents to dispose of application within reasonable time and if still the applicant is aggrieved, he is at liberty to agitate the matter in the competent forum.

No costs.

  
(B. K. Singh)  
Member (A)

  
(J. P. Sharma)  
Member (J)

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