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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

O.A.No.350 of 1993.

New Delhi this the 23rd day of November, 1993

HON'BLE MR. B.N.DHOUNDIYAL, MEMBER(A)

R.V.Raghavan
Son of late Shri T.V.Ragachari
presently Chief Finance,
Housing & Urban Development Corporation
HUDCO House, Lodhi Road,
New Delhi-110 003. Applicant.

(by Mr G.D.Chopra, Advocate).

vs.

1. Union of India through the Secretary
Ministry of Finance, Govt. of India,
North Block, New Delhi.,
2. The Comptroller & Auditor General of India
Bhadur Shah Zafar Marg,
New Delhi.
3. The Principal Director of Audit
Southern Railway,
Madras-600 003. Respondents.

(by Mr N.S.Mehta, Advocate).

ORDER (Oral)

B.N.DHOUNDIYAL, MEMBER(A)

This O.A. has been filed by Shri R.V.Raghvan, at present working as Chief Finance, Housing and Urban Development Corporation, HUDCO House, Lodhi Road, New Delhi for obtaining retirement benefits for the service rendered by the applicant as Senior Auditor under the Principal Director of Audit, Southern Railway, Madras for the period from 20.12.1954 to 2.11.1968.

2. The fact that the applicant had served as Senior Auditor from 20.12.1954 to 2.11.1968 and had thereafter joined Bharat Earth Movers Ltd. on 4.11.1968 is not denied. The Government of India

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took a decision to grant retirement benefits to those Government servants who apply on their own volition for the posts in Public Sector Undertakings, however, in the Office Memorandum No.28016/4/76-Ests (C) dated 25th March, 1977 (Annexure A-3) it was provided that this would apply to all cases of Government deputationists in public undertakings, who had earlier joined the concerned undertakings on their own volition, provided that in cases such absorptions which took place on or after 8.11.1968, but prior to 21.4.1972, the benefit proportionate pension should be allowed only from 1.8.1976.

3. This issue came up for consideration of the Hyderabad Bench of this Tribunal in Har Binder Lal v. Comptroller and Auditor General of India and another, (1988) 7 ATC 567, wherein it was held that **an application** of a Government order cannot be prospective in the sense that it will apply only to those employees who joined the autonomous body after a particular date.

4. Respectfully reiterating the views expressed in the Judgment, I hold that the applicant is entitled to succeed. However, as held in the above referred case, he can also get the benefits only from 1.8.1976.

5. The application is accordingly allowed and his claim for pro rata retirement benefit will be granted to him by extension of D.O.P.O.M.No.28016/4/76-Estts(C), dated 25.3.1977 issued by the Government of India, with effect from 1.8.1976 for the services rendered by him in the Office of Principal Director of Audit, Southern Railway, as Senior Additor (Respondent No.3). His claim will be settled within four months

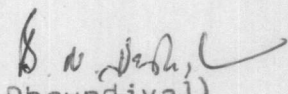
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from the date of communication of this order.
There will be no order as to costs.

23rd Nov., 1993.
(SDS)


(B.N. Dhoundiyal)
Member (A).