

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH,
ALLAHABAD

ORIGINAL APPLICATION NO.1068 OF 2001

ALLAHABAD THIS THE 4th DAY OF March, 2005

HON'BLE MR. K.B.S. RAJAN, MEMBER-J

Birbal Taneja,
S/o Sri Deen Dayal Taneja,
Ex-Loco Foreman,
R/o 49, Rail Bazar,
Kanpur.

.....Petitioner

(By Advocate Shri A. Kumar)

V E R S U S

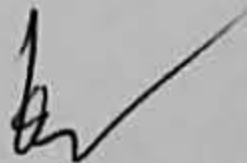
1. Union of India,
Through the General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway, Allahabad.
3. The Commanding Officer,
510 Army Base Workshop,
Post Box No. 30,
Meerut Cantt.

.....Respondents

(By Advocate: A.K. Gaur & Sri S. Singh)

O R D E R (ORAL)


The core issue involved in this case is whether the applicant's past service in the Army Civil Services are to be counted for the purpose of pension or not. The respondents though did not question about the period of service rendered in the Army Civil Service,



insist that the period of service is required to be vetted by "Associate Accounts of Military Department". The applicant asserts that in one of the communications by the 510 Army Base Workshop, it has been clearly spelt out that necessary vetting had already taken place. However, the respondents cling upon one sentence in the said communication that the Base Workshop though stated that the period of service had been vetted by the Associate Accounts of the Military Department, at the same time it had been specified therein refernece to the Service Book be made and that service book has not been made available.

2. Bare facts essential to resolve controversy in this case is as obtaining hereinafter.

- (a) The applicant entered the Govt. Organization as a civilian vehicle mechanic as early as in 1949 and worked in 510 Army Base Workshop for a total of 0 years, 8 months and 5 days. Resigning from the above post, he had joined the Railways where he had served for full three decades and retired from Railway Service on 30-04-1989. He had applied through proper channel for his appointment in the Railways. This has been confirmed vide



letter dated 23rd September, 1993, from Respondent No. 3 to Respondent No. 2.

- (b) Correspondence between the Railways, Ministry of Defence and its subordinate office were on in respect of counting of past services for quite some time since 1993 and in so far as the period of services rendered as a civilian in the Army, both the 510 Base Workshop Meerut as well as the MGO's Branch of the Army Headquarters struck a symphonic syndrom to the effect that the applicant had put in a total of 9 years, 8 months and 5 days. This is the admitted position. However, the Railways insisted for a confirmation to the effect that the service period was vetted by the Associated Accounts of Military Department. Respondent No.3, i.e. The 510 Army Base Workshop, Meerut, which states that it had already made available the service records to the Railways, had confirmed that the period of service in the Army had been duly vetted by the Associated Accounts of Military Department and the same could be verified from the service records of the applicant. However, the Railways maintain that the service



record was not sent and hence they are not in a position to verify the same. The applicant has thus, approached this Tribunal at this juncture. His claim is that his past services should be counted for the purpose of total period of govt. service so that he would be able to enjoy the full benefits of pension and other terminal benefits.

3. In the counter, the respondent Railways maintained the same stand that in the absence of the service records of the applicant in respect of the services rendered in 510 Army Base Workshop, it would be difficult to have the confirmation that the period of service has been vetted by the Associated Accounts of Military Department.
4. The rival contentions have been heard by me. The documents were also scanned. Right from the beginning the authorities in the Army Headquarters/its subordinate office i.e. Respondent No. 3 have been specifying that the applicant had put in 9 years 8 months and 5 days. Their orders dated 31-01-1959 (Annexure A-2), 23-09-1993 (Annexure A-5), 29-08-1998 (Annexure A-7) and 12th March, 2001 (Annexure A-13). The fact of the period of services having been verified had also been mentioned at least



in two of them. It is only as a confirmation that the Respondent No. 3 had asked the Railways to refer to the Service records. Non availability of service records should not hold the Railways from believing the words of the Respondent No. 3 and the Army Headquarters, especially when at that relevant point of time as early as in 1959, the discharge certificate reflects the total period of service.

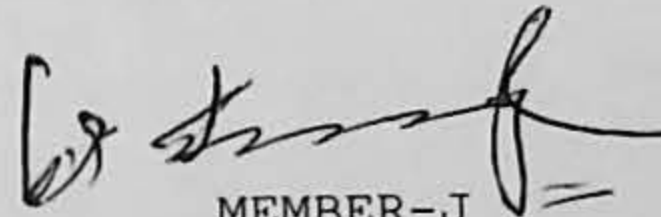
5. Again, in any event, the period of service when counted would come to more than 39 years of which only 33 years would qualify for full pension. Thus, one can safely assume that the applicant had put in a minimum of 3 years of service which qualifies to be added to the service of the applicant to enable him to derive full benefits of the pension.

6. Under the above facts and circumstance, the OA is allowed. The respondent Railways are directed to take into account the service of 9 years, 8 months and 5 days, rendered by the applicant in the Defence Department, as given in the discharge certificate dated 31-01-1959 (Annexure A-2) as confirmed vide letter dated 29-08-1998 (Annexure A-7) for working out the total period of government service for purposes of pension

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and accordingly work out the pension and other benefits payable to the applicant. The arrears of pension and other benefits should be paid within a period of six months from the date of receipt of a certified copy of the order.

No order as to costs.


MEMBER-J

GIRISH/-