

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH ALLAHABAD.

ORIGINAL APPLICATION No.244 of 2000.

Tuesday this the 11th day of March 2003.

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

S.P. Mishra  
s/o Late KK Mishra  
R/o H.No.2/19 Nawab Ganj,  
Kanpur-208002.

.....Applicant.

(By Advocate: Sri R.K. Shukla)

Versus.

1. Union of India  
through the Secretary  
Ministry of Labour,  
Govt. of India,  
New Delhi-11.
2. The Director  
Central Board for Workers Education  
Near V.R.C.E. Gate  
North Ambazhari Road,  
Nagpur-440 010.
3. The Chairman  
Central Board for Workers Education  
Ministry of Labour, Govt. of India  
"Shram Sadhana"  
Opposite Municipal Corporation Water Tank  
Gondal Road  
Rajkot-360 002.
4. The Chief Secretary,  
Govt. of Uttar Pradesh  
Lucknow.
5. The Commissioner & Director  
Directorate of Industries, U.P.  
G.T. Road,  
Kanpur.
6. The Financial Controller,  
U.P. Cooperative Spinning Mills Ltd.  
Etawah-206 001.

.....Respondents.

(By Advocate: Sri D.S. Shukla)

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ORDER

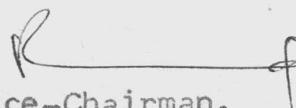
By this O.A., filed under section 19 of Administrative Tribunals Act 1985, the applicant has prayed for a direction to the respondents to count the period of service rendered by the applicant from 1.4.64 to 30.6.68 in State & Govt. of U.P. and from 27.6.68 to 3.5.73 in U.P. Government's undertaking for purposes of qualifying service and for grant of pension. He has also prayed to quash the orders dated 13.09.99 and 13.04.98.

2. The claim of the applicant has been rejected by order dated 13.04.98 (Annexure 2) on the ground that he rendered services in U.P. Cooperative Spinning Mills Ltd, Etawah which is a private body. The period of service rendered in such private body cannot be counted for the purposes of pension in the Central Board for Workers Education. The legal position with regard to such question has been settled by the Jabalpur Bench of this Tribunal vide judgement dated 15.09.1993 passed in O.A. No.478 of 1992. The relevant part of paragraph No.6 of the judgement (Annexure CA-1) is being reproduced below:-

"...As regards the relief of five years additional to qualifying service claimed by the applicant, we find that in the absence of any specific provision in the service rules of the Board that service or post is one which carries the benefit of this rule (addition of five years to qualifying service), the applicant has no right to claim this benefit. It has been brought to our notice that the Board has made a proposal to the Government of India for incorporating this benefit in the Service Rules of the Board, but it has not been accepted by the Government of India, Ministry of Labour vide their letter dated 11.6.1992 (Annexure 3)...."

3. It is not disputed that the applicant was serving in U.P. Cooperative Spinning Mills Ltd. Etawah, for the period he has claimed in the O.A. is not admissible <sup>for being</sup> ~~for being~~ counted for qualifying service period for purposes of pension. The O.A. has no merit and is accordingly dismissed.

No order as to costs.

  
Vice-Chairman.

Manish/-