

3  
 CENTRAL ADMINISTRATIVE TRIBUNAL: CUTTACK BENCH:  
 CUTTACK.

ORIGINAL APPLICATION NO. 498 of 1990.

Date of decision:- 11.7.91.

Pandab Bhoi ... Applicant.

Versus,

Union of India & Ors. ... Respondents.

For the Applicant:- M/s. Devanand Misra,  
 Deepak Misra,  
 R.N.Naik, A.Deo,  
 B.S.Tripathy, P.Panda,  
 (Advocates).

For the Respondents: Mr.A.K.Mishra,  
 Standing counsel(Central).

-----  
 C O R A M :

The Hon'ble Mr.N.Sengupta, Member(Judicial).

-----  
 1. Whether reporters of local papers may be allowed to see the Judgment ?  
 2. To be referred to the reporters or not ? *7<sup>th</sup>*  
 3. Whether their Lordships wish to see the fair copy of the Judgment ?  
 -----

6

- 2 -

### JUDGMENT.

N. SENGUPTA: MEMBER (J). The applicant retired as Head Post-Man on superannuation. Initially he was appointed as Barkandaz in the Hirakud Dam Project. On being selected he got his appointment under the Postal Department. He was relieved from the office of the Executive Engineer, Chiplima Division, a division under the Hirakud Dam Project and joined on 22.10.59 as a peon in the postal department. The grievance of the applicant is that his services in the Chiplima Division under the Hirakud Dam Project have not been taken into account in fixing his seniority, salary and pensionary benefits, so he has prayed for an appropriate direction in that regard and also for quashing Annexure-6 which is a letter from the Senior Superintendent of Post Offices, Sambalpur Division to him refusing to regularise his past service.

2. The respondents in their reply have not disputed the averments in the application about the applicant having entered service under the Postal Department on 22.10.59 and retiring on superannuation on 31.10.89 from the post of Head Post Man. But, their plea is that the applicant first joined as a Mail Peon under the Postal Department on 22.10.59 and after coming out successful in an examination, was appointed as a Post Man and further promoted as a Head Post Man. The Service Roll of the applicant, while he was

*Read out 11/7/91*

working in the Chiplima Division not being complete, his services in that organization could not be taken into account. The applicant in the application has referred to the case of one K.C.Kar whose previous services under the Hirakud Dam Project were taken into account in computing the period ~~for~~ <sup>of</sup> qualifying service, therefore, ~~while~~ <sup>by</sup> not taking the service of the applicant in the Hirakud Dam Organization into account, he has been discriminated again.

3. Mr.A.K.Mishra, the learned Senior Standing counsel for the Postal Department has invited ~~my~~ attention to the Xerox copy of the service record of the applicant while he was serving in the Chiplima Division under Hirakud Dam Organization and has contended that the service Roll lacks information about all necessary particulars, therefore, the department had no other alternative than not to take the period of service under the Hirakud Dam Organization into account for the purpose of calculating the period of qualifying service. When previous service would count qualifying service provision has been made under Rules 13 and 14 of the Pension Rules (Vide Annexure-R/1). <sup>Paragraph</sup> ~~There are~~ three of the counter filed by the Respondents is relevant for the purpose. The applicant, according to the respondents, being declared surplus, was <sup>Vacancy in the</sup> adjusted against the Postal Department and

*Ans. 117*

- 4 -

the time that elapsed between the date of relief from the earlier organization and the date of his joining in Postal Department was only fifteen days. In that paragraph it has been mentioned that when exactly the applicant joined in Hirakud Dam Organization could not be ascertained, therefore, his previous service could not be given credit. This averment of the respondents is not correct because from the Annexure filed by them i.e. Annexure-R/4, a Xerox copy of the service roll, it could have been found that the applicant really joined in Hirakud Dam Organization on 9.12.52 and continued in that organization till his relief on 7.10.59. From Annexure-4 it can further be found that the scale of pay of a peon in the Postal Department started from Rs.30/- per month. Therefore, there was no difficulty in giving credit of the service rendered from 9.12.52 till 7.10.59 by the applicant as qualifying service. Accordingly, the respondents are directed to calculate the pensionary benefits of the applicant adding 9.12.52 to 7.10.59 to qualifying service period. The other reliefs asked for by the applicant cannot be granted most of them being redundant and barred by limitation. No costs.

*Ans Enq/* 11.7.91  
Member (Judicial)

