

CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 201 OF 1998
Cuttack this the 6th day of July, 1999

(PRONOUNCED IN THE OPEN COURT)

Pandava Charan Patra

Applicant(s)

-Versus-

Union of India & Others

Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? *Yes ,*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? *No .*

(G.NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
6.7.99

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**CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION NO.201 OF 1998
Cuttack this the 6th day of July, 1999

CORAM:

**THE HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN
AND
THE HON'BLE SHRI G.NARASIMHAM, MEMBER(JUDICIAL)**

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Pandava Charan Patra,
aged about 67 years,
Son of Late Lochana Patra,
At/PO: Patrapur, Via: Pattamundai
Dist: Kendrapara

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Applicant

By the Advocates : M/s.B. Nayak
D.K.Nayak
M.K.Nayak
A.K.Sharma

-versus-

1. Union of India represented through
the General Manager,
South Eastern Railway, Garden Reach,
Calcutta, West Bengal
2. Chief Personal Officer,
South Eastern Railway,
Garden Reach, Calcutta(W.B.)
3. Workshop Personal Officer,
Kharagpur Workshop, S.E.Railways,
Kharagpur, West Bengal
4. Secretary, Ministry of Defence
New Delhi

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Respondents

By the Advocates : Mr.R.C.Rath,
Addl.Standing Counsel
(Res.1 to 3)

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ORDER

MR.SOMNATH SOM, VICE-CHAIRMAN: In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner has prayed for quashing order dated 16/21.5.1997 vide Annexure-6 rejecting his representation for counting the past service from 1950 - 1956 under Ordnance Factory and Rifle Factory, Ichhapur towards pensionary benefits.

2. The case of the applicant is that he joined Railways on 1.10.1956 and retired on 1.7.1988. In order dated 4.7.1988 at Annexure-1 he has been sanctioned pension and other retiral benefits. After retirement he made representation for counting his service from 1950 to ^{54.} ~~56.~~ under the Ordnance Factory and from 1954 to 56 in Rifle Factory, Ichhapur till he was retrenched from Rifle Factory and joined railway service on 1.10.1956. The applicant has stated that he had filed several representations but without any result. Therefore, he came up earlier before this Tribunal in O.A. 707/96 which was disposed of in order dated 27.9.1996 directing Res.2 to examine the case of the applicant within four weeks from the date of receipt of the order and dispose of the claim of the applicant without regard to counting of service from 1950 to 1956 at Ichhapur Rifle Factory. Respondent No.3 was also directed to furnish to Res.2 all the necessary documents filed by the applicant to facilitate Respondent No.2 to take a decision. Applicant ^{S.M.} has stated that in response of this order he has submitted all the documents to the Chief Personnel officer, S.E.Railway, Khurda Road(Res.2 before us), who

in his impugned order at Annexure-6 has rejected his representation and that is why he has come up in this Original Application with the prayer referred to earlier.

3. Respondents have filed their counter opposing the prayer of the applicant on the ground that in spite of notice to the applicant he did not submit^{any}~~ed~~/authenticated evidence showing that he worked in Ordnance Factory and Ichhapur Rifle Factory from 1950 to 1956.

4. We have heard Shri A.K.Sharma, learned counsel for the petitioner and Shri R.C.Rath, learned Addl.Standing Counsel appearing for Res. 1 to 3 and also perused the records. The petitioner joined railways in 1956 and retired on superannuation on 1.7.1988. It is only after his superannuation he came up for counting his service rendered in Ordnance Factory and Ichhapur Rifle Factory towards pension under the railways. The petitioner in his application has not indicated any reason as to why he did not approach the respondents during his service career for counting the above period towards pensionable service. More over, we have gone through the impugned order at Annexure-6 passed by Res.2 after giving notice to the applicant. From this we find that the applicant was not in a position even to indicate when he joined Ichhapur Rifle Factory. He had only submitted pay slips from which it is not clear whether he was holding pensionable service there or not. It is also not clear as to the nature of job the applicant held in Ichhapur Rifle Factory and whether that was a pensionable job. Respondent No.2 sent a person to Ichhapur Rifle Factory to trace out old records relating to applicant's

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appointment, if any, but that also proved futile. It is for the petitioner to prove his case that he had worked in a pensionable job for certain period prior to his joining railways and in the absence of above recital of facts it is held that the applicant has not been able to make out a case for any of the relief prayed for; more so when in the impugned order at Annexure-6 it has been mentioned that in terms of Rule 5(1) of Chapter 1 of Railway Service (Pension) Rules, 1993, a Government servant is entitled to the benefit of past service, if he is permanently transferred to the Railway administration on or after 1st day of April, 1957. It is not the case of the petitioner that he was transferred from the Ministry of Defence to the Railways and in any case he joined railways in 1956, i.e. prior to coming into force of this 1st day of April, 1957.

In view of the discussions made above, we hold that the application is without any merit and the same is rejected, but without any order as to costs.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

B.K. SAHOO

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN