

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No OA 1059 of 1996

Date of Order: 1.12.2004

Present : Hon'ble Mr. Mukesh Kumar Gupta, Judicial Member
Hon'ble Mr. M.K. Misra, Administrative Member

AVIJIT DAS
VS.
UNION OF INDIA (INCOME TAX)

For the applicant : Mr. P.C. Das, Counsel

For the respondents : Mr. M.S. Banerjee, Counsel

O R D E R (ORAL)

Mr. Mukesh Kumar Gupta, JM:

The only question raised in the present OA is whether the applicant is entitled to count his service rendered from 18.1.91 to 6.11.91 with the office of Chief General Manager, Telecom Stores, Calcutta towards computing qualifying service or not.

2. Admitted facts of the case are that on qualifying the typewriting held by the SSC, dated 22.11.1990, the applicant was appointed as LDC w.e.f. 18.1.91 in the pay scale of Rs.950 - 1500 in the office of Chief General Manager, Telecom Stores, Calcutta, on provisional & temporary basis. Prior to the said date, he had applied for a post of Stenographer Grade 'D' in Department of Income Tax, Calcutta & subsequently he was selected. Consequently, he tendered resignation dated 31.10.91 to enable him to join the Deptt. of Income Tax. The said resignation was accepted w.e.f. 6.11.91 (AN). Accordingly, he joined Deptt. of Income Tax on 7.11.1991. Immediately thereafter he submitted representation dated 18.11.91 for counting his past service for full pensionary benefits. Despite letter dated 26.11.91 written by Respondent No.4, there is no response from Deptt. of Telecommunication.

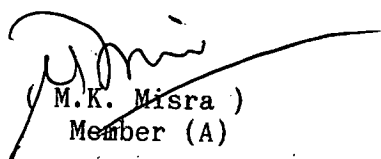
3. The grievance raised is that the aforesaid period has not been counted by the respondents & therefore his chance of promotion has also been effected. No decision has been taken by Telecom Deptt. as well as Dept. of Income Tax regarding counting of his past service, which according to applicant, he is entitled to count.

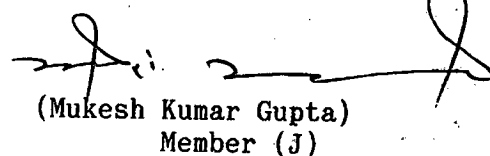
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4. The respondents, i.e. Deptt. of Income Tax filed its reply and admitted the facts but stated that on writing letter dated 26.11.91, vide Memo dated 29.7.1992, office of Chief General Manager, Telecom Store forwarded copy of applicant's resignation letter as well as letter accepting such resignation but the service book maintained in the office of Chief General Manager, Telecom Stores was not forwarded though specifically asked for & unless such materials are supplied no final decision could be taken. Further plea was also raised about non-impleadment of the said authority in the present OA.

5. We heard Learned Counsel for the parties & perused the OA. As far as the plea of non-impleadment of O/o Chief General Manager, Telecom Stores, is concerned, we find the same is not tenable & justified as the said authority has been specifically impleaded as Respondent No. 2 in the present OA, but no reply was filed on its behalf. It is also an admitted fact that the applicant appeared for the post of Stenographer in the Incometax Department prior to joining the office of Chief General Manager, Telecom Stores with effect from 18.1.91. There was no break in the service. Resignation was accepted with effect from 6.11.91 and he joined the Income Tax Department on the very next date, i.e. 7.1.91.

Since there is no representation on behalf of Chief General Manager, Telecom Stores and no specific reply has been filed, we are constrained to allow the present application and direct the respondents No.1 as well as 3 & 4 to decide the applicant's request for counting of service rendered with the Telecom Department from 18.1.91 to 6.11.91 for the purpose of determination of qualifying service. This exercise shall be completed within a period of three months from the date of receipt of a copy of this order. No costs.


(M.K. Misra)
Member (A)


(Mukesh Kumar Gupta)
Member (J)