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CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

Original Application No. 317/2001
Date of Decision : this the 18th day of May, 2004

**Hon'ble Mr. G.R.Patwardhan,
Administrative Member**

Jagdish Prasad S/o Sh. Poosa Ram
Aged about 34 years, r/o C/o Magha Ram Jakkar,
977 East Patel Nagar, Mahadev Provision Store,
Opp. Indian Air Lines Office, Jodhpur last employed
On the post of PWI/JEN-II (PWAY) in the office
Of AEN (HQ) Jodhpur, N/Rly.

[By Mr. B.Khan, Advocate, for the applicant]

..... Applicant

Versus

1. Union of India through General Manager,
Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway,
Jodhpur Division, Jodhpur.
3. Divisional Personnel Officer, Northern Railway
Jodhpur Division, Jodhpur.

[By Mr. Salil Trivedi, Advocate for respondents]

..... Respondents

ORDER
[By the Court]


This is an application by Jagdish Prasad, last employed as Permanent Way inspector in the office of Assistant Engineer (HQ), Jodhpur in Northern Railway (now North Western Railway). There are three respondents; General Manager, Northern Railway, Divisional Railway Manager, Jodhpur and Divisional Personnel Officer, Jodhpur.

2. The relief sought through this application is very simple - to direct the respondents to grant pro rata pension, D.C.R.G., P.F. amount along with interest at market rate.

3. Brief facts of the case may be stated first – and since practically all are undisputed, they are being listed chronologically :-

10.03.89 Applicant appointed as App. P.W.M. in Jodhpur.
 14.03.89 Joins duty – attends training.
 08.01.91 Posted in regular establishment.
 17.11.94 Promoted as PWI-III.
 16.08.97 N.O.C. issued by Railways in favour of applicant to enable him to apply to R.P.S.C.
 04.02.99 Applicant selected for the post of Supdt. ITI.
 11.05.99 Applicant appointed as Supdt.-now Vice Principal.
 27.05.99 Applicant submits technical resignation to Railways – allowed to be relieved.
 29.05.99 Applicant joins the new post.
 10.01.2001 Applicant represents for payment of proportionate pension, DCRG etc.
 26.05.2001

4. Applicant has taken the following grounds in support of his claim :-

- (a) He was in pensionable establishment of Railways for more than ten years.
- (b) He applied for a Rajasthan Government Job through proper channel – obtained N.O.C. and was duly relieved after selection.

5. Learned advocates for both the parties have been heard and the reply filed by respondents perused. They have submitted that whatever was due has been paid and that pension & D.C.R.G. are not payable.

6. Countering these arguments, the petitioner has relied on the following :-

- (a) Railway Board letter No. F (E) 111-84 PN-1/5 dated 25th June 1984 – Permanent absorption of permanent Central Government employees in the Public Sector

Undertakings and Autonomous Bodies under the State Govts. Grants of pro rata retirement benefits.

(b) C.A.T. Jodhpur Bench order dated 26th May, 1999 in Ram Lal Goyal Vs. Department of Posts.

Though the communication referred to at (a) above refers to movement of Railway Personnel to P.S.Us/Autonomous bodies of State Govts., the spirit is very clear. It finds mention in number of other O.Ms of Department of Personnel & Training dated 31.1.1986 and Department of Personnel & A.R. dated 31.3.1982. These have been very clearly interpreted in the order of C.A.T. referred to at (b) above where a postal assistant, having joined State Bank of Bikaner and Jaipur after tendering technical resignation was denied pensionary benefits. The Tribunal quashed the impugned letters saying so and allowed pensionary benefits as per rules. The instant case is similar in nature and needs consideration accordingly.

7. From the representation submitted by the applicant which itself is not very clear, it appears that he was under the impression, that he was to deposit some amount as Foreign Service Contribution in order to get pension & gratuity. The Railways therefore on 6.6.2001 informed him that this is realized only from those who come back to Railway's after a period spent elsewhere (Annex.R-1). However, this reply is silent on his demand of pension and gratuity – therefore, rendering it incomplete except for clerical purposes where it could be taken as disposal of a receipt and this is the foundation of reply also when it is said that the relief sought is not admissible under the rules.



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8. In the given situation, it is difficult to presume that the case of the applicant has been examined by respondents in the light of different instructions and especially ruling quoted above. They are therefore directed to examine the matter afresh and pass a reasoned and speaking order within two months of receipt of this order and communicate the same to the applicant in another one month. The applicant is directed to furnish a copy of his application and rulings relied upon, immediately to the respondents – preferably within a week. He will be at liberty to agitate the matter again if so advised.

9. O.A. is accordingly disposed of. No order as to costs.

G.R.
[G.R. Patwardhan]
Administrative Member

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