

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.426 of 1994

Monday, this the 27th day of March, 1995

CORAM

HON'BLE MR P SURYAPRAKASAM, JUDICIAL MEMBER

HON'BLE MR SP BISWAS, ADMINISTRATIVE MEMBER

R P Balakrishnan Nambiar,
S.C.No.30507, Senior Technician,
T.C.No. 17/6461,
Revathi, Pathirapalli Road,
Poojapura, Thiruvananthapuram-12.

...Applicant

By Advocate Mr N Govindan Nair.

Vs.

1 Union of India rep. by Secretary,
Department of Space, Antariksh Bhavan,
New B.E.L. Road, Bangalore-560 054.

2 The Director, Vikram Sarabhai Space Centre,
I.S.R.O (Post), Thiruvananthapuram-22.

3 Head, Personnel & General Administration,
Vikram Sarabhai Space Centre, ISRO (Post),
Thiruvananthapuram-22.Respondents

By Advocate Mr CN Radhakrishnan.

O R D E R

P.Suryaprakasam, Judicial Member

Applicant entered in service as a Fitter in Telephone Department, Bangalore. Later he had worked in the Government of India Production Centre of the Department of Industries, and later in Bharat Heavy Electricals for various periods. While he was working in the Bharat Heavy Electricals, he applied for a post in Vikram Sarabhai Space Centre, Trivandrum and was working as a Senior Technician in PPFF/MMS. He retired from service on 31.10.1994. Prior to his joining in the V.S.S.C, he has been rendering services under the Government of India and Government Undertakings and the bone of contention in this application is the period where he had worked in

Government of India Production Centre (Department of Industries, Government of India) Ettumannur, Kerala from 2.3.62 to 20.4.67 and the period of service from 25.4.67 to 8.10.68 in M/s Bharat Heavy Electricals Ltd, Hyderabad (Government of India, Undertaking) to be counted for purpose of pension. The applicant has made a representation Annexure.A3/ to the Controller of VSSC, Trivandrum for taking into account the above said period for the purposes of calculating pensionary benefits.

2. Applicant has relied on the two decisions that has been rendered by this Tribunal which according to applicant are similar in nature of the applicant's case. The cases are OA 1431/92 (A6) of R.Vijayammal who was working as an Administrative Officer-I under Sounding Rocket Group of VSSC, Trivandrum and OA 491/91 of KG Shenoi, who was also working in the VSSC, Trivandrum.

3. The Department has considered the representation of the applicant which has been made in A3 and passed an order A4 dated 11.6.93 stating that the case of the applicant is not identical to that of Shri K.G.Shenoi, and further informed him that as per the existing orders of the Government, the services rendered by him in the Production Centre in the Department of Industries of Government of India after condoning the interruption of service rendered in Public Sector Undertakings cannot be counted for the purposes of pension, and as such his request was rejected. As against that, the present application has been filed.

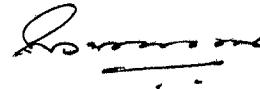
4. The respondents stated that KG Shenoi's case is not applicable to the present set of facts and also they relied on Rule 26(2) of the CCS (Pension) Rules wherein it has been stated that it will be applicable only as against the government servants. They also relied on Annexure.R1 which is a circular dated 22.12.75 issued by the VSSC, Trivandrum. The respondents' counsel further relied on the judgments rendered by this Tribunal in OA 371/94 and OA 440/94.

5. We have gone through the papers carefully, and our broad reservation whether it is for us to make a fact adjudication at this stage. We feel that the ends of justice will be met, if we permit the applicant to make a detailed representation to the first respondent to reconsider his case in the light of the various judgments rendered in this point by this Tribunal.

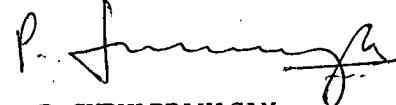
6. We, therefore, quash the order passed in A4, and permit the applicant to make a fresh representation to the first respondent detailing all the relevant facts, as well as the copies of the orders on which he is relying, within fifteen days from the date of receipt of the order, and Respondent-1 on receipt of the same will pass a considered order on the said representation within six months from the date of receipt of the representation.

7. The application is disposed of as above, and there will be no order as to costs.

Dated the 27th March, 1995.



S.P. BISWAS
ADMINISTRATIVE MEMBER



P. SURYAPRAKASAM
JUDICIAL MEMBER

List of Annexures

1. Annexure A3: Copy of representation sent by applicant to 2nd respondent dated 10.3.93.
2. Annexure-A4: Copy of Memorandum No.VSSC/GSS/PS/30507/122. dated 11.6.93 issued to applicant
3. Annexure-A6: Copy of judgement in O.A.1431/92 dated 15.7.93. C.A.T, Ernakulam Bench
4. Annexure-R1: O.M.No.2/10(1)/4-II dated 4.12.75 issued by Department of Space, Government of India, Bangalore.