

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.450 of 2013

Tuesday this the 11th day of March 2014

C O R A M :

**HON'BLE Mr.JUSTICE A.K.BASHEER, JUDICIAL MEMBER
HON'BLE Ms.MINNIE MATHEW, ADMINISTRATIVE MEMBER**

M.Andy,
S/o.late Ayyapan,
Resident of Peechangalithazham House,
Post Makkada, (via) Kakkodi, Kozhikode – 673 617.
Retired employee – Tradesman/W,
(Mill Wright Fitter), Nuclear Power Corporation,
Madras Atomic Power Station,
Kalpakkam – 603 102. ...Applicant

(By Advocate Mr.A.Viswanathan)

V e r s u s

1. Union of India represented by Secretary,
Ministry of Atomic Power and Energy,
New Delhi – 110 011.
2. Deputy Chief Project Engineer,
Madras Atomic Power Station,
Kalpakkam – 603 102, Tamil Nadu.
3. Deputy Superintendent,
Neyveli Lignite Corporation Ltd.,
Neyveli – 607 802. ...Respondents

(By Advocate Mr.Sunil Jacob Jose, SCGSC)

This application having been heard on 11th March 2014 this Tribunal
on the same day delivered the following :-

O R D E R

HON'BLE Mr.JUSTICE A.K.BASHEER, JUDICIAL MEMBER

Applicant was an employee under Respondent No.2 viz. Madras
Atomic Power Station, for 14 years and four months from 1968 till 1982.
He had joined the said establishment as Fitter Grade I on August 30, 1968

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and resigned from its service on December 13, 1982 while working as Tradesman/E. It is on record that before joining Respondent No.2 the applicant had worked in Neyveli Lignite Corporation. According to the applicant the service rendered by him in Neyveli Lignite Corporation for about 6 years ought to be tagged on to his service rendered by him under Respondent No.2, thus enabling him to get "service pension". The prayer in this Original Application is to issue a direction to Respondent Nos.1&2 to sanction "service pension" to him with effect from December 14, 1982 for his total service of 21 ½ years under them.

2. Respondent Nos.1&2 in their written statement have raised a preliminary objection that this Tribunal has no jurisdiction to entertain this Original Application inasmuch as Respondent No.2 has not been notified under Section 14 of the Administrative Tribunal Act, 1985 and that it is a Central Government Public Sector Undertaking, being a wholly owned Government Company. The other preliminary objection raised by the respondents is that the Original Application is hopelessly barred by limitation under Section 21 (2) (a) of the Act.

3. We have heard learned counsel for the parties and perused the entire materials available on record.

4. It has been noticed already that the applicant had joined the service of Respondent No.2 as Fitter Grade I in August, 1968. In Annexure A-1 order issued by Respondent No.2 on July 16, 1968 directing the applicant to appear at the project site for medical examination, it was specifically

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made clear that he will not be eligible for any "special concession" for his earlier service in the Neyveli Lignite Corporation. It is beyond controversy that the applicant had joined the service of Respondent No.2 after undergoing a recruitment process and apparently after quitting his job in Neyveli Lignite Corporation. He had accepted the appointment with his eyes wide open. He had resigned from the service of Respondent No.2 on December 13, 1982 after working for 14 years and 4 months. At that time he had not made any claim or demand for pension. He has filed this Original Application after a lapse of about 31 years.

5. It is true that the applicant has filed an application to condone the delay "of about 30 years". In this application it is stated by the applicant that he had submitted Annexure A-3 representation seeking pension before Respondent No.2 in October, 2011 "as advised by his friends". We have referred to this aspect only to indicate that the applicant has not stated any cogent or satisfactory reason to condone the inordinate delay.

6. Be that as it may, there is nothing on record to show that the service rendered by the applicant in Neyveli Lignite Corporation was liable to be tagged on to the services rendered by him under Respondent No.2. Significantly, applicant has not produced any document to show that his service under Respondent No.2 was in continuation of the service rendered by him in the Neyveli Lignite Corporation or that the above two establishments were under the same authority or management. Evidently they are two different entities without any operational or administrative nexus between them. Applicant in his wisdom had resigned from his job

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under Respondent No.2 way back in 1982 after working for about 14 years without raising any claim for pension. In any view of the matter he is not entitled to count his service in Lignite Corporation for the purpose of reckoning the total pensionable service.

7. Learned counsel for the applicant has invited our attention to a decision rendered by their Lordships of the Supreme Court in Ganesharaju S Vs. Narasamma and others 2012 KHC 4227 in support of his plea that a liberal view has to be taken in the matter of condonation of delay. In the peculiar facts and circumstances of this case, we have no hesitation to hold that there is no justifiable reason to condone the delay.

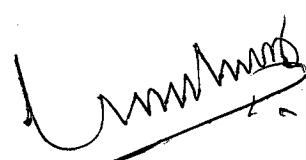
8. Having regard to the entire facts and circumstances of this case, we do not find any merit in any of the contentions raised by the applicant.

9. The Original Application fails and it is accordingly dismissed.

(Dated this the 11th day of March 2014)

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MINNIE MATHEW
ADMINISTRATIVE MEMBER

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JUSTICE A.K.BASHEER
JUDICIAL MEMBER