

Encl : As above

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 6 OCT 1988

APPLICATION NO.

9

/88(F)

W.P. NO.

Applicant(s)

Shri M. Sri Krishna

To

Respondent(s)

V/s The Director General, Dept of Telecommunication,
New Delhi & another

1. Shri M. Sri Krishna
'Mahadeva'
11/2, Maharashtra Mahila Vidyalaya Road
Visveswarapuram
Bangalore - 560 004
2. The Director General
Department of Telecommunication (CWG Section)
9th Floor, Sanchar Bhavan
20, Ashoka Road
New Delhi - 110 001
3. The Superintending Engineer
Postal Civil Circle
Old R.M.S. Building
176, I Main Road, Seeshadripuram
Bangalore - 560 020
4. Shri M. Vasudeva Rao
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAY/INTERIM ORDER~~
passed by this Tribunal in the above said application(s) on 26-9-88.

Encl : As above

DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THIS THE 26TH DAY OF SEPTEMBER, 1988

PRESENT: HON'BLE SHRI JUSTICE K.S. PUTTASWAMY ...VICE-CHAIRMAN
HON'BLE SHRI L.H.A. REGO ...MEMBER

APPLICATION NO. 9/88

M. Sri Krishna,
ages about 44 years,
S/o.Late Sri J.S. Mahadeva Rao,
'Mahadeva', 11/2, Maharashtra Mahila
Vidyalaya Road,
Visvesvarapuram,
Bangalore - 560 004.

Applicant

1. The Director General,
Dept. of Telecommunication (CWG Section)
9th Floor, Sanchar Bhavan,
20, Ashoka Road,
NEW DELHI -110 001.

2. The Superintending Engineer,
Postal Civil Circle,
Old R.M.S. building, 176, I Main Road,
Seshadripuram,
Bangalore-560 020.

Respondents

(Sri M. Vasudeva Rao.....Advocate)

This application having come up for hearing
before this Tribunal to-day, Hon'ble Shri Justice K.S.
Puttaswamy, Vice-Chairman, made the following :-

O R D E R

This is an application made by the applicant
under Section 19 of the Administrative Tribunals Act,
1985 (Act).



2. Sri M. Srikrishna, the applicant before us with a degree in engineering, appeared for the Combined Engineering Services competitive examination held in 1966 by the Union Public Service Commission (UPSC) and was successful. On that basis, Government by its letter No. 39/3/67-STAI dated 11.3.68 (Annexure A-1) offered him an appointment to the post of Assistant Engineer (Civil) in the Posts & Telegraphs Department, Civil Engineering Wing (AE) to which he expressed his willingness and then joined service on 30.3.1968 on probation for two years. On 18.7.80 (Annexure A-2) Government declared that he had satisfactorily completed his probation on 29.3.1970. In October 1979, he was promoted as Executive Engineer, in his own turn and was so working from that time.

3. In response to an advertisement of the Indian Telephone Industries (ITI) a public sector undertaking of Central Government, inviting applications for the post of a Deputy Chief Engineer (Civil), the applicant applied for the said post through the department to which he was selected and appointed in due course. With due permission and relief from the department on 15.10.1985 the applicant joined the ITI on 18.10.1985 and is working there ever since then.

4. After joining ITI, the applicant claimed before Government for sanction and payment of pro-rata pension and other terminal benefits for the service rendered by him in Government which was

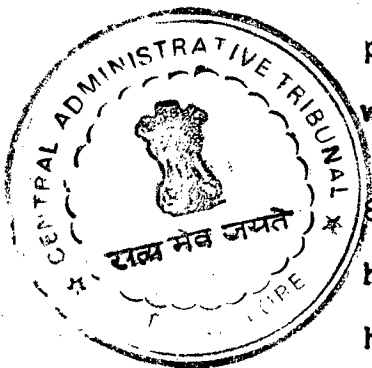
neither granted nor refused till 3-1-1988. On 4.1.1988 the applicant approached us for appropriate reliefs, naturally asserting that under the Rules and Orders regulating he was entitled to for them.

5. In their reply, the respondents have asserted that the applicant who had been appointed on a temporary basis, had not been confirmed in any of the posts till he was relieved and therefore, he was not entitled to pension and other terminal benefits.

6. Sri Srikrishna, the applicant appeared in person and argued his case. Sri M. Vasudeva Rao learned Additional Central Government Standing Counsel appeared for the respondents.

7. Sri Srikrishna contends that on the terms of his appointment order, completion of probation and promotion, he was a permanent or a regular employee of Government and on his appointment in the ITI with the permission of the competent authority, he was entitled to pro-rata pension and other terminal benefits with interest thereon at 14% for delayed payments.

8. Sri Rao urges that the applicant who had not been appointed on a permanent basis and had not been confirmed while in service in Government, was not entitled to pension and other terminal benefits.



9. We have earlier noticed the source of appointment of the applicant and the developments that ensued thereafter. When we examine all of them in the proper perspective, it is crystal clear that his appointment was a regular one against a permanent post only and was not a temporary appointment against a temporary post. On the completion of his probation he had become a permanent member of the service or a permanent civil servant of the Union of India. On this conclusion, the pension and other terminal benefits due to him in the circumstances noticed by us, cannot at all be denied by Government.

10. Even the latest O.M. No, 18011/1/86-Estt. (D) dated 28.3.88 issued by Government further simplifying the procedure for settlement of pensions also supports the claim of the applicant before us.

11. We find that delay though regrettable, was not deliberate and motivated. When that is so, we will not be justified in awarding any interest on the delayed payments.

12. As it is, the matter has been pending for a fairly long time. We, therefore, consider it proper to grant time till 31.12.1988 only.

13. In the light of our discussion, we make the following orders and directions:

I. We declare that the applicant had been appointed on a regular basis against a permanent post of Assistant Engineer and Executive Engineer and is therefore entitled to pro-rata pension and other terminal benefits for his service in Government.


II. We direct the respondents to compute and make a payment of pension and other terminal benefits due to the applicant under the Central Civil Services (Pension) Rules, 1972 and all other orders regulating them, with all such expedition as is possible in the circumstances of the case and in any event on or before 31-12-1988.

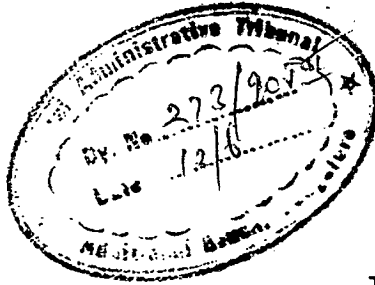
14. Application is allowed. But in the circumstances of the case, we direct the authorities to bear their own costs.



Sd/-
VICE-CHAIRMAN 26/11
TRUE COPY

Sd/-
L.H.A. REGO 26.9.88
Number (4)


SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE



D.No. 3032/89/ Sec.IV-A
SUPREME COURT OF INDIA
NEW DELHI
24.5.1990

Dated: _____

From: The Additional Registrar,
Supreme Court of India.

To

The Registrar.
Central Administrative Tribunal
Bangalore Bench at Bangalore.

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 10071 of 1989
(Petition under Article 136 of the Constitution of India for Special
Leave to Appeal to the Supreme Court from the ~~Judgment and Order~~
dated 26th September, 1988/~~6.10.88~~ of the ~~High Court~~ Central
Administrative Tribunal Bangalore Bench, at Bangalore in Appln. No.
9 of 1988)

M. Srikrishna

...Petitioner

-Versus-

The Director General Deptt. of
Telecommunication & Ors.

...Respondents

Sir,

I am to inform you that the petition above-mentioned for Special
Leave to Appeal to this Court was filed on behalf of the Petitioner above-
named from the ~~Judgment and Order~~ of the High Court noted above and that
the same was/were listed before the Court on 23.8.1989 when
the Court was pleased to pass the following Order:-

"Heard learned counsel for the petitioner on the question of
We are not satisfied that sufficient cause has been made out for
granting the prayer. The application for delay is, therefore,
rejected. Consequently the Special leave petition is dismissed."

Yours faithfully

FOR ADDITIONAL REGISTRAR

arun

8/6
S. R. K.