

CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A.No. 1257/95

Date of Decision

30/4/95

Shri S.N.Jain _____ Petitioner

Shri R.D.Deharia _____ Advocate for the Petitioner.

Versus

Union of India & Ors. _____ Respondent

Shri V.S.Masurkar _____ Advocate for the Respondents.

Coram:

The Hon'ble Mr. B.S.Hegde, Member (J)

The Hon'ble Mr.

1. To be referred to the Reporter or not?
2. Whether it needs to be circulated to other Benches of the Tribunal?


(B.S. HEGDE)

MEMBER (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PREScot ROAD, MUMBAI -1.

O.A.NO. 1257/95

20th this the day of April 1996

CORAM: Hon'ble Shri B.S.Hegde, Member (J)

Shri Shantilal Nathmal Jain ... Applicant
By Advocate Shri R.D.Deharia

V/S.

Union of India & Ors. ... Respondents
By Advocate Shri V.S.Masurkar

O R D E R

(Per : B.S.Hegde, Member (J))

Heard Shri R.D.Deharia for the applicant
and Shri V.S.Masurkar for the respondents.

2. By this application the applicant is challenging not any impugned order but he contends that action of the respondents is arbitrary in not counting his previous service rendered by the applicant under the administrative control of State Govt.i.e. Zilla Parishad for the period of 9 years 2 months and 14 days from 22.1.1953 to 2.1.1963 prior to appointment to Railway service,etc.

3. The respondents in the reply stated that the applicant joined the Railways in 1963 and retired on 31.7.1990 on superannuation after attaining the age of 60 years and who retired as Teacher making his

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grievance to count his past service after four years of his retirement by first representation dated 19.4.1994 and the said representation is not supported by any documentary proof of whatsoever and hence the application is required to be dismissed for delay and latches. As per the respondents' record the applicant was correctly retired on 31.7.1990 and the applicant has not brought to notice of the administration for counting of the previous services rendered in Zilla Parishad School from his first date of entry into the services of the respondents i.e. 3.1.1963 till his first representation dated 19.4.1994 made after he retired on superannuation on 31.7.1990. He has drawn my attention to the Pension Rule 28 (2)(b) which reads as follows :-

"(b) those who while holding temporary posts under the Central Government or a State Government apply for posts under the Central Government or a State Government through proper channel with proper permission of the administrative authority concerned.

Provided that where an employee is required for administrative reasons, for satisfying a technical requirement, to tender resignation from the temporary post held by him before joining the new appointment, a certificate to the effect that such resignation had been tendered for administrative reasons, etc."

No such compliance has been done by the applicant while joining the respondents' department. Since the applicant has not applied for this post through proper channel therefore he is not entitled to be given any benefit of previous service under the rules. The aforesaid averments are unrebuted by the applicant.

According to the rules, whenever one joins in the Central Government or State Government if he is working in autonomous or quasi Government body, the concerned officer should forward the application through proper channel who should certify that services are required to be terminated. The applicant has not adhered to any of the instructions and admittedly the application has not been forwarded through proper channel.

4. In the result, the application is barred by limitation which cause of action arose in 1963 and therefore, I am of the view, that the case is hopelessly barred ^{by limitation} and on merit also the OA. is devoid of merit and the same is dismissed.


(B.S. NEGDE)

MEMBER (3)

mr jst