

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT : HYDERABAD

O.A.No. 123 of 1990

Dt. of Decision: 20-12-1990

Between:-

T.L.Narasimham

..

Applicant

and

1. The Divisional Railway Manager (MG.), South Central Railway, Hyderabad.
2. The General Manager, South Central Railway, Railnilayam, Secunderabad.

..

Respondents

Appearance:

For the Applicant : Shri G. Parameswara Rao,  
Advocate

For the Respondents : Shri N.R.Devraj, Additional  
Standing Counsel for Railways.

CORAM:

THE HONOURABLE SHRI B.N.JAYASIMHA, VICE-CHAIRMAN.

THE HONOURABLE SHRI D.SURYA RAO, MEMBER (JUDICIAL).

(JUDGEMENT OF THE BENCH DELIVERED BY HONOURABLE MEMBER (J))  
SHRI D.SURYA RAO

1. The applicant herein is a retired employee of the Railway Boys High School, North Lallaguda, Secunderabad. It is his case that he joined the Railways as Teacher at Railway School, Sirpur Kagaznagar, by an order dt. 28-5-1959 issued by the Chief Personnel Officer (Labour), Central Railway. Before this he was working as Physical Education

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Teacher at Zilla Parishad Multipurpose High School, Samalkot, East Godavari District, Andhra Pradesh, from 11-8-1950 to 11-6-1959. He applied to the Central Railway Bombay, for the post of a Teacher and on being permitted by the Secretary, District Board, East Godavari, <sup>and was twice selected.</sup> he appeared for the interview on 21-5-1959. He worked in the Railways till he attained superannuation in September 1987. It is stated that in the year 1982 the Railway Board by a circular letter dated 13.12.1982 intimated, that it was decided in consultation with the Government that pensionary liability, in respect of temporary servants who rendered service under the Central/ State Governments to the extent such services would have qualified for grant of pension under the rules of the respective Governments, shall be shared by the Government concerned on service-share basis. The benefit was thus available to such employees who ~~have~~ resigned <sup>or from</sup> the temporary posts held by them for administrative reasons or to meet the technical requirement for joining the new post and necessary entry was made to that effect in their service registers. He states that his resignation from the post of Physical Education Teacher in Zilla Parishad School was only to meet the technical requirement of the administration. The applicant made a request to the Railways to include his past service in the Zilla Parishad School for the purpose of pensionary benefits. Thereupon the 1st respondent took up the matter with <sup>of the State Govt.</sup> the Secretary, Education Department, and requested the latter to inform the Railways whether the State Government has ~~any~~ objection to reckon pensionable service rendered by the applicant from 11-8-1950 to 11-6-1959 and to

state whether the State Government accepts the pension liability for the relevant period. The applicant states that consequent on provincialisation of services of former District Boards in 1959, the employees working with them were extended pensionary benefits w.e.f.1-4-1961. Similarly, the employees working in Zilla Parishads were brought under the fold of State Services with pensionary benefits vide G.O.Ms.No.168/PR (Estt III), dated 20-3-1981. <sup>A. S. Gopalakar</sup> <sup>He is</sup> The applicant by virtue of this G.O. has become entitled for pensionary benefits for the service rendered by him in the Zilla Parishad during the period from 11-8-1950 to 11-6-1959. He states that subsequently in the year 1986 it was ordered that the pension liability will be borne in full by the respective Governments to which the Government servants permanently belongs at the time of retirement, and that consequently the State Government is absolved of its liability for the pension contribution <sup>as</sup> for the applicant having been confirmed in the Railway Service <sup>and</sup> has since retired on superannuation in 1987. He contends that the Railways are liable to pay pension for the said period of service rendered by the applicant in the Zilla Parishad in terms of Ministry of Finance O.M.No.14(5)/86/TA/1029, dated 9-10-1986. On the applicant making a representation, he was asked to present himself before the Pension Adalat <sup>in</sup> which was held on 15-12-1989. However, he received intimation after 15-12-1989. He could not, therefore, get any relief from the Pension Adalat. He has, therefore, filed this present application to declare that he is entitled to count his past service put in with the Local Board from 11-8-50 to 11-6-59 for

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for the purpose of pensionary benefits and also to direct the respondents to refix his pension and other benefits by waiving the condition requiring entry in the Service Register to the effect that the resignation tendered for the temporary post with the Local Board was to meet the administrative/technical reasons with consequential benefits from 30-9-1987.

2. On behalf of the respondents a counter has been filed stating that the District Board job ~~was~~ not a pensionary one <sup>as</sup> and when the applicant left that job on <sup>service as</sup> ~~his own~~ and joined the Railway Service, <sup>therefore a</sup> He cannot claim pensionary benefits for the service rendered in the District Board school on temporary basis. It is stated that the matter was taken up with the State Government. It was clarified <sup>by</sup> the Education Department of the State Government that the service rendered by Sri Narasimham in Ex-District Board, East Godavari District, from 11-8-1950 to 11-6-1959 is not pensionable and as such bearing pension liability by the State Government for that period does not arise. In so far as the representation made by the applicant are concerned, it is stated that he was informed that his case does not come within the purview of instructions issued by the Railway Board in regard to counting of his service rendered under the State Government for pensionary benefits. It has been further contended that the Railway Board letter dt.15-12-87 referred to by the applicant is only a simplification of procedure and that by virtue of the said letter, no right vests in the applicant for grant of pension. It is admitted that the applicant was given notice to appear before the Pension Adalat. But it is alleged that he

To

1. The Divisional Railway Manager, (MG)  
S.C.Railway, Hyderabad.
2. The General Manager, South Central Railway,  
Railnilayam, Secunderabad.
3. One copy to Mr.G.Parameswara Rao, Advocate.. CAT.Hyd.Bench.
4. One copy to Mr.N.R.Devraj, SC for Rlys, CAT.Hyd.Bench.
5. One spare copy.

pvm

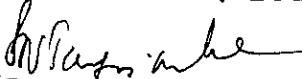
did not attend Pension Adalat on the date prescribed i.e. 15-12-1989. For these reasons it is stated that the application has no merits and the same may be dismissed.

3. We have heard Shri G. Parameswara Rao, learned Counsel for the applicant, and Shri N.R. Devraj, learned Additional Standing Counsel for the Railways, on behalf of the respondents.

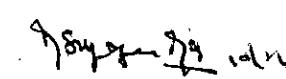
4. The main question for determination is whether the applicant is entitled ~~for counting for~~ <sup>to</sup> the service rendered by him ~~in the~~ <sup>School P</sup> in the Zilla Parishad for the purpose of pension in the Railways. Admittedly on the date the applicant left the service of Zilla Parishad, the services of former District Boards were not provincialised and he was not entitled to pension from the State Government. He was governed by the rules applicable to Zilla Parishads with regard to retirement benefits. The fact that the services were later provincialised and the pensionary benefits were extended to those in the service of Zilla Parishads shall not entitle the applicant for any pensionary benefits for the service he rendered in the Zilla Parishad during the period when the services have not been provincialised. The relevant circulars quoted by the applicant would not apply to the facts of the present case.

5. In the result, we find no merit in this application. We accordingly dismiss the O.A. No order as to costs. However, this order will not be a bar to the applicant to approach before the Pension Adalat.

(Dictated in the Open Court)

  
(B.N.JAYASIMHA)  
VICE-CHAIRMAN

  
(D.SURYA RAO)  
MEMBER (JUDICIAL)

Date: 20th Dec., 1990   
Deputy Registrar (Jual)

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Xerox

CHECKED BY  
TYPED BY

APPROVED BY  
COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. B. N. JAYASIMHA : V.C.  
AND

THE HON'BLE MR. D. SURYA RAO : M(J)  
AND

THE HON'BLE MR. J. NARASIMHA MURTY : M(J)  
AND

THE HON'BLE MR. R. BALASUBRAMANIAN : M(A)

DATE : 24-9- 20/12/90

ORDER / JUDGEMENT :

M.A. / R.A. / C.A / No.

in

T.A. No.

W.P. No.

O.A. No.

123/90

Admitted and Interim directions  
issued.

Allowed.

Dismissed for default.

Dismissed as withdrawn.

Dismissed.

Disposed of with direction.

M.A. Ordered Rejected.

No order as to costs. P.T.O.

