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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :  
HYDERABAD BENCH, HYDERABAD

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OA 903/91

Dated 28-4-1994

BETWEEN

K. L. PRASADA RAO,  
son of K. Swamy Sarma  
aged 66 years, Director, Small Industries  
Development Organisation (Retired),  
resident of Visakhapatnam, Andhra Pradesh

: APPLICANT

AND

1. UNION OF INDIA represented by  
the Secretary to Government,  
Ministry of Industry, Udyog  
Bhavan, NEW DELHI.
2. THE DEVELOPMENT COMMISSIONER,  
Small Scale Industries, Government of  
India, Nirman Bhavan, South Wing, 7th Floor,  
Maulana Azad Road, NEW DELHI.
3. THE CHIEF COMPTROLLER OF ACCOUNTS  
Ministry of Industry, Government of India,  
Shastri Bhavan, NEW DELHI- 110 001.
4. THE ACCOUNTANT GENERAL (PENSIONS)  
Andhra Pradesh, Hyderabad-500 004.

: RESPONDENTS

COUNSEL FOR THE APPLICANT : SHRI N. RAMAMOHAN RAO

COUNSEL FOR THE RESPONDENTS : SHRI N.V. RAGHAVA REDDY

CORAM

HON'BLE SHRI A.B. GORTHY, MEMBER (ADMN.)

HON'BLE SHRI T. CHANDRASEKHARA REDDY, MEMBER (JUDL.)

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OA 903/91.

Dt. of Order: 28-4-1994.

(Order of the Divn. Bench passed by Hon'ble  
Shri A.B.Gorthi, Member (A) ).

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The claim of the applicant is for counting his past service with A.P. Government from 20-10-1954 to 13-10-1958 as qualifying service for the purpose of pension.

2. The applicant was appointed as Tanning Instructor in the Village Industries Training Centre, Hyderabad on 20-10-1954. While serving thus, he applied through proper channel to Government of Uttar Pradesh for appointment as Head of Tanning Section. Having been selected for that appointment he was duly relieved by A.P. Government and he joined the U.P. Government on 8-11-1958. Having served in the State of Uttar Pradesh till 9-8-1971 he was selected by the Union Public Service Commission for appointment as Dy. Director, Small Scale Industries (Leather & Footwear) in the Small Industries Development Organisation under the Ministry of Industries, Govt. of India. He joined service in Union of India on 10-8-1971. The Central Government, on his retirement on 31-1-1983 took into consideration not only his services under the Union of India but also his services under the U.P. Government as qualifying service for the purpose of pension.

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His request for counting his services under the A.P.

Government was rejected on the ground that from the record it was not clear whether the applicant <sup>had</sup> ~~was~~ resigned from A.P. State Government before taking up ~~this~~ appointment under the U.P. Government.

3. In the counter of the Respondents they have once again re-iterated that as the applicant could not furnish the relevant material, the Respondents could not ascertain whether or not the applicant resigned from the A.P. State Government. The Respondents further took the view that as the U.P. Government did not <sup>take</sup> ~~look~~ into consideration the applicant's service with A.P. Government, there is no justification for counting his A.P. Government service for the purpose of pensionary benefits.

4. Heard learned counsel for both the parties. Learned counsel for the applicant has drawn our attention <sup>to</sup> ~~the~~ service certificate issued by Commissioner of Industries, A.P. Government which is to the effect that the applicant worked in Leather and Tanning units of the Department of Industries from 20-10-1954 to 13-10-1958 and that he was thereafter "relieved" on 13-10-1958. Another communication from the office of the Accountant General, Andhra Pradesh dt. 27-1-1989 would show that no service gratuity ~~was~~ <sup>was</sup>

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paid to the applicant for the service rendered under the A.P. Government. Another communication from the Assistant Director of Industries, Rajamundry, dt. 6-12-1985 reads as under ;

"With reference to the D.O. Letter cited, I submit that the pay allowances of Sri K.L. Prasad Rao, Leather Goods Instructor for month of October, 1958, were drawn and paid upto 13-10-1958 only.

As per the footnote given under the supplementary pay bill for October, 1958, Sri KL Prasad Rao, worked upto 13-10-1958 and was then relieved on transfer to the post of Head of Leather Tanning Section at Government Leather Working School, Kanpur. The fact was already reported vide this office D.O. Letter to 4433/A/81 dt. 1-2-1982." (underlined for emphasis)

5. From the aforesaid, it would be clear that the applicant had not resigned from his post under the A.P. Government before taking up his assignment under the U.P. Government. This fact <sup>gets</sup> ~~is~~ further substantiated from letter No. 2501/58 from the office of Community Project Officer (Industries), Kakinada dt. 8-9-1958. In this letter an official request <sup>was</sup> ~~is~~ made to the Director of Industries & Commerce, Hyderabad, to relieve the applicant so as to enable him to take-up his assignment as Head of Leather Tanning Section, Kanpur. Had the

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applicant submitted his resignation, <sup>the</sup> communication as ~~referred to~~ <sup>d</sup> enumerated above would have states so specefically. On the other hand all the official communications clearly indicate that the applicant while working under the A.P.State Government applied through proper channel <sup>for</sup> to the post of Head of Leather Tanning Section under the U.P.State Government. When he was selected he was duly relieved from his post under the A.P.State Government so as to enable him to take <sup>up</sup> his assignment under the UP Government. There was ~~least gap~~ <sup>hardly any delay</sup> between the date of his being relieved by the A.P.Government and his joining the U.P.State Government. In any case, there is no dispute what-so-ever that the applicant had worked under the A.P.State Government from 20-10-1954 <sup>4</sup> 13-10-58 R

6. In view of the aforesaid, we are of the considered view that the Respondents' action is unjust and unfair in treating the applicant as one who had resigned from A.P. State Government. We thererore direct the Respondents to treat the case of the applicant as if he had not resigned from A.P.State Government and consider his case for counting his services with the A.P.State Government as qualifying service for the purpose of granting him pensionary benefits in accordance with the extant rules/ instructions.

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7. Respondents to comply with this order within a period of four months from the date of communication. There will be no order as to costs.

(T.CHANDRASEKHAR REDDY)  
Member (J)

(A.B.GORTHU)  
Member (A)

Dt.28th April, 1994.  
Dictated in Open Court.

*Prabir 24-5-94*  
*DNV*

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Copy to :-

1. ~~Union of India rep. by~~ *U.O.I.*  
The Secretary to Govt.  
Ministry of Industry, Udyog  
Bhavan, New Delhi.
2. The Development Commissioner,  
Small Scale Industries, Govt. of  
India, Nirman Bhavan, South  
Wing, 7th Floor,  
Maulana Azad Rd, New Delhi.
3. The Chief Comptroller of Accounts,  
Ministry of Industry, Govt. of India,  
Shastri Bhavan, New Delhi-110 001.
4. The Accountant General (Pensions),  
Andhra Pradesh, Hyd-4.
5. Shri N.Ram Mohan Rao, Counsel for the Applicant
6. Shri N.V.Raghava Reddy, Addl.CGSC
7. Library,
8. Spare Copy.

*6/11/94*  
*pgc*  
*7.12.94*

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO  
VICE CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHY : MEMBER (AD)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY  
MEMBER (JUDL)

AND

THE HON'BLE MR. R. RANGARAJAN : M (ADMN)

Dated: 28-6-1994

ORDER/JUDGMENT

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

in

O.A.No. 903/91

T.A.No. (w.p. )

Admitted and Interim Directions  
Issued.

Allowed

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

(9)

Central Administrative Tribunal

DESPATCH

22 JUN 1994

HYDERABAD BENCH