

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :
HYDERABAD BENCH, HYDERABAD

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. GORTHI, MEMBER (ADMN.)

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

3819
J.

OA 903/91.

Dt. of Order:28-4-1994.

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

* * *

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 selec-
ted 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.Govern-
ment as qualifying service for the purpose of pension.

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 ~~had~~ 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 ~~take~~ ^{take} 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

^{to} to service certificate issued by Commissioner of Industries, A

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 communica-

tion from the office of the Accountant General, Andhra

Pradesh dt.27-1-1989 would show that no service gratuity ~~was~~ ^{was}

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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.Prasadarao, 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 Prasadaraao, 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 ~~not~~ ^{gets} 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 ~~is~~ ^{was} 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, communication as referred to ^{the} ~~enumerated~~ above would have states so specifically. 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 for 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 up his assignment under the ~~hardly any delay~~ UP Government. There was ~~least~~ gap 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 whatsoever that the applicant had worked under the A.P. State Government from 20-10-195⁴ 15-12-1958 ^R

6. In view of the aforesaid, we are of the considered view that the Respondent's action is unjust and unfair in treating the applicant as one who had resigned from A.P. State Government. We therefore 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.

....6.

STAM

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. C. R.
(T.CHANDRASEKHAR REDDY)
Member (J)

A. B. GORTHI
(A.B.GORTHI)
Member (A)

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

24-SPU
28/4/94

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Copy to :-

1. Union of India rep. by U.O.I.
The Secretary to Govt. of India,
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.

6th copy
page 7/134

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.GORTHI : MEMBER(AD)
AND

THE HON'BLE MR.TCCHANDRASEKHAR REDDY
MEMBER(JUDL)

AND

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

Dated: 28-4-1994

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.

(G)

Central Administrative Tribunal

DESPATCH

28 JUN 1994

HYDERABAD BENCH