

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.474/93

Date of Order: 22.11.96

BETWEEN:

R.Venkata Rao

.. Applicant.

B.V.Prasada Rao

AND

1. The General Manager,  
S.E. Rly., Calcutta.
2. The Divl. Railway Manager,  
S.E. Rly., Dondaparthi,  
Visakhapatnam.
3. The Divl. Personnel Officer,  
S.E. Rly., Dondaparthi,  
Visakhapatnam.

.. Respondents.

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Counsel for the Applicant

.. Mr.G.Rama Rao

Counsel for the Respondents

.. Mr.V.Bhimanna  
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CORAM:

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JDDL.)

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J U D G E M E N T

{ Oral order as per Hon'ble Shri B.S. Jai Parameshwar, M(J) }

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Heard Mr.Naveen Rao for Mr.G.Rama Rao, learned counsel for the applicants and Mr.V.Bhimanna, learned standing counsel for the respondents.

2. There are two applicants in this OA. The applicants joined the respondent organisation as Khalasi during the year 1973 and were working as such at Diesel Loco Shed, Waltair. While working as such the applicants registered their names with Employment Exchange for appointment in Visakhapatnam Steel Project. When they got interviewe from the Visakhapatnam Steel Project the applicant No.1 did not obtain any permission and attended the



interview and got selected. He tendered resignation to the post in the organisation and joined Visakhapatnam Steel Project.

3. Whereas the applicant No.2 obtained no objection certificate from the official superior got selected, tendered resignation to the post with an intention and joined Visakhapatnam Steel Project.

4. Now the applicants have filed this original application praying ~~this~~ Tribunal to direct the respondents to pay settlement dues including prorata pension taking into account the services rendered by them in railways and other benefits with interest at the rate of 18% p.a.

5. The respondents in their counter affidavit stated that the first applicant intimated the respondents only on 28.7.84 when he got selected and submitted the resignation with immediate effect without waiving prescribed notice on three months period. The second applicant even though obtained no objection certificate at the time of his appearing for the interview, tendered his resignation effective from 5.3.84. It is the case of the respondents that the resignations of the two applicants were posts and that therefore they are not eligible for any pensionary benefits.

6. The respondents relied on para-311 of the manual of Railway Pensions Rules which provides that no pensionary benefits a railway servant who resigns from service.

7. Thus the respondents, submit that since the applicants submitted the resignation voluntarily to the posts held by them in the organisation they are not eligible for any pensionary benefits. Further they relied on 426 of Manual of Railway Pension Rules which provides that to take up with proper

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permission, another appointment, whether permanent or temporary, service in which counts in full or in part, is not a resignation of public service.

8. In this case Rule 426 does not apply to the case of the applicants for they have not obtained proper permission to take up another appointment.

9. The respondents further submit that it is only after putting up not less than 20 years of qualifying service, an employee on voluntary retirement can obtain terminal benefits including pro-rata pension vide para-620 of Railway Pension Manual. It is stated that the applicants had not put in 20 years of qualifying service to claim pensionary benefits. It is stated that the applicants were appointed in 1973 and they tendered their resignations during July 1984 and March 1984

. Thus they had not put in qualifying service as prescribed in para-620 of the Railway Pension Manual.

10. In view of the above, we conclude that the applicants voluntarily resigned and joined Visakhapatnam Steel Project on their own volition. They were not permitted to resign the job in the public interest, <sup>and</sup> they had not put in qualifying service as per para-620 of Railway Pension Manual Chapter-5.

11. We are fully convinced that the applicants are not entitled to pro-rata pension and other benefits taking into account the service rendered by them prior to their joining at Visakhapatnam Steel Project.

12. In the result the

( B.S. JAI PARAMESHWAR )  
Member (Judl.)

( R. RANGARAJAN )  
Member (Adm.)

Dated: 22nd November, 1996  
(Dictated in Open Court)

10/11/96  
DY. Registrar (3)