

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL-APPLICATION-NO.87-of-1994

DATE-OF-ORDER:-21st-JANUARY,-1997

BETWEEN:

M.A.WAHAB,

.. APPLICANT

AND

1. The Chief Personnel Officer,
South Central Railway,
Secunderabad 500 371,
2. The Chief Mechanical Engineer,
S.C.Railway, Secunderabad 500371,
3. The Financial Adviser & Chief Accounts Officer,
S.C.Railway, Secunderabad 500371. .. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr.M.TIRUMALA RAO

COUNSEL FOR THE RESPONDENTS: Mr. J.R.GOPALA RAO, Addl.CGSC

CORAM:

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

HON'BLE SHRI B.S.JAI PARAMESHWAR, MEMBER (JUDL.)

JUDGEMENT

ORAL ORDER (PER HON'BLE SHRI B.S.JAI PARAMESHWAR,
MEMBER (JUDL.)

Heard Mr.M.Tirumala Rao, learned counsel for the applicant and Mr.Krishna Mohan for Mr.J.R.Gopala Rao, learned standing counsel for the respondents.

2. The applicant was appointed as Trade Apprentice in the scale of pay of Rs.35-39 (AS) in the Lallaguda Workshop on 1.11.1956. He completed the apprenticeship on 31.10.1961 and he was appointed as officiating Painter in the scale of pay of Rs.110-180 effective from 11.11.1961.

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Subsequently he was promoted as officiating Tracer in the scale of pay of Rs.110-200 effective from 11.11.1961. He was promoted as Assistant Draughtsman in the scale of pay of Rs.150-240 effective from 12.10.1964. Again he was promoted as Senior Draughtsman in the scale of pay of Rs.205-380 effective from 12.5.1966. He was sanctioned leave from 1.5.79 to 31.5.79. He was on leave without pay from 1.6.79 to 31.10.79. He remained absent from duty from 1.11.79 onwards and submitted his resignation on 25.11.1983. At that time, he was due to the Railways a sum of Rs.34,500/- in respect of House Building Advance sanctioned ^{to} for him. Hence his resignation could not be accepted immediately. After the applicant remitted the advance to the Railways, his resignation was accepted effective from 11.9.1986.

3. During 1987 he submitted a representation requesting the Railway administration to reinstate him in service or to treat the ^{letter} ~~period~~ of resignation as voluntary retirement.

4. He has filed this OA praying this Tribunal to call for the records pertaining to the impugned order and direct the respondents to treat him as having retired voluntarily effective from 11.9.1986 and to grant him the consequential pensionary benefits.

5. The learned counsel for the applicant submitted that the period from 1.6.79 onwards can be counted as qualifying service for the purpose of pension since his resignation was accepted in 1986. The fact remains that

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the applicant had not worked in the Railways after 1.6.79. Because the resignation was accepted at a later date, he cannot be considered as on duty and the period between tendering the resignation and the date of acceptance of the resignation cannot be regarded as a period qualifying for service for pensionary benefits.

6. The respondents have filed their counter stating that an employee who had put in 20 years of qualifying service can submit his notice of voluntary retirement by giving three months' notice. As on date of submitting the letter of resignation, the applicant had not put in the required ^{years} qualifying service from 11.11.61 when he was regularly posted as Officiating Painter in the Railway Organisation. The earlier period of trade apprenticeship cannot be counted for the purpose of qualifying service. Though the applicant relies on the Railway Board's circular dated 13.10.86 at Page 11 of the OA and the circular dated 17.4.84 at page 18 of the OA and also the circular dated 9.8.88 at page 19 of the OA to state that the apprenticeship period also should be counted for the purpose of counting the qualifying service, we are not in agreement with his contention.

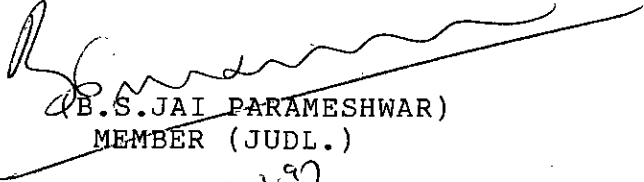
7. Hence there are no grounds to accept the contention of the applicant that he should be treated as voluntarily retired effective from 11.9.86. He has not put in the required number of service for the purpose of granting him the pensionary benefits. When once he submitted his resignation in 1983 and the same was accepted with effect from 11.9.86 (Page 12 of the OA), he cannot now

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turn back and say that he may be permitted to retire voluntarily from service from 11.9.86.

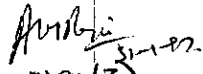
8. Hence we feel that there are no merits in the OA.
The OA is dismissed. No order as to costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)

21.1.97


(R. RANGARAJAN)
MEMBER (ADMN.)

DATED: - 21st January, - 1997
Dictated in the open court.


Dy. Registrar (3) 31-1-97

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Copy to:-

1. The Chief Personnel Officer, S.C.Railway, Secunderabad.
2. The Chief Mechanical Engineer, S.C.Railway, Sec'bad.
3. The Financial Adviser & Chief Accounts Officer, S.C.Rly, Secunderabad.
4. One copy to Sri. M.Tirumala Rao, advocate, CAT, Hyd.
5. One copy to Sri. J.R.Gopala Rao, Addl. CGSC, CAT, Hyd.
6. One copy to Hon'ble Mr. S.S.Jai Parameshwar, J.M., CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

Rsm/-

17/1/97
TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR:
M(J)

DATED: 21/1/97

Order/Judgement
R.P/C.P/A.A.NO.

O.A.NO.

87/94

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

~~DISPOSED OF WITH DIRECTIONS~~

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

~~NO ORDER AS TO COSTS.~~

II COURT

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