

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.1456/96

DATE OF ORDER : 18-12-96

Between :-

T.Sree Ramulu

... Applicant

And

1. The Directorate of General, Archaeological Survey of India, Ganpath, New Delhi.
2. The Superintendent, Museum Branch, Archaeological Survey of India, Port Road, Madras.
3. The Assistant Superintendent, Archaeological Survey of India, Vijayapuri South, Nagarjuna Sagar, Guntur District.
4. The Pay and Accounts Officer, Archaeological Survey of India, Dayanandnagar, Vidyanagar, Hyderabad-44.

... Respondents

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Counsel for the Applicant : Shri S.Gopal Rao

Counsel for the Respondents : Shri V.Vinod Kumar, CGSC

CORAM:

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

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

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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Hread Shri S.Gopal Rao, learned counsel for the applicant and Shri V.Vinod Kumar, learned standing counsel for the Respondents.

JD

as a labourer -

2. The applicant was engaged on daily wages as ~~labourer~~ on 23-1-63 onwards and retired on 31-8-87. He filed O.A.807/96 which was disposed of on 11.7.96. From the facts of the case as enumerated in OA 807/96 it is seen that the broken period of casual service were correctly taken into account from 23-1-1963 and on that basis he had not put in minimum period of 10 years service ~~for~~ eligible for pension and hence pension and pensionary benefits were denied to him. It was also brought out in that OA that he was engaged earlier to 1963 i.e. from June, 1957 and on that basis if his service was calculated he would have completed more than 10 years service, thereby enabling him ~~pension~~ and other pensionary ~~benefits~~. That O.A. was disposed of by the following order :-

"5. The applicant has not taken any effort to approach the authorities producing the certificate dt.29-3-66 when he was told by the impugned order dt.19-6-96 that he was engaged only from 23-1-63 onwards and hence the period from that date till he retired was only taken into account for calculating the qualifying service for the purpose of pension. If he has produced the certificate along with the representation there is every possibility that the respondents themselves would have examined the case to see whether he had any casual service earlier to 23-1-63 from 1957. But the applicant failed to do so. There is no adjudication required in this case except to verify the authenticity of the statement that he served in the department in casual status from June 1957 to 23-1-63. Hence I feel that it is a fit case to direct the applicant to submit a representation for counting the casual service from 1957 to 21-11-63, if any, along with a copy of the letter dt.29-3-66 to Respondent No.2. That written representation should be disposed of by Respondent No.2 after checking the records if available. But the representation should

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not be disposed of merely stating that records in question is not available. After thorough scrutiny no records in this connection is available then Respondent No.2 should call the applicant and find out from him the places where he worked and other details and try his best to get the records. Inspite of all efforts as mentioned above proved futile a detailed reply should be given to the applicant indicating the various efforts made to locate and check the records. Incase the records are available, the authenticity of the letter dt.29-3-66 should be examined and action in accordance with the rules for granting the pension should be taken."

3. As per the direction given in that O.A. if the records are not available, the Respondent No.2 in that O.A. was directed to call the applicant and find out from him the places where he worked from June, 1957 and other details and try his best to get his records.

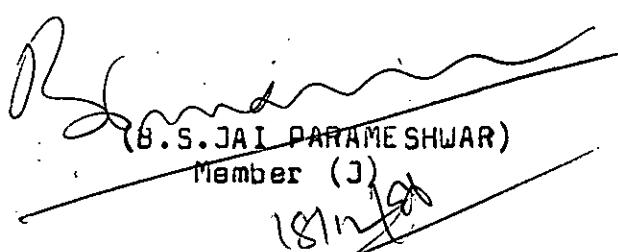
4. The impugned order No. 1/53(A)/96-97/Adm.1558 dt.5-11-96 in performance of the direction given OA 807/96, was issued which is challenged in this O.A. Reading of the impugned order indicates that the applicant was not called upon to state the places where he worked and other details as directed in the previous O.A.807/96. Hence it is to be held that the Respondents issued the impugned order without following the directions given in the previous O.A.

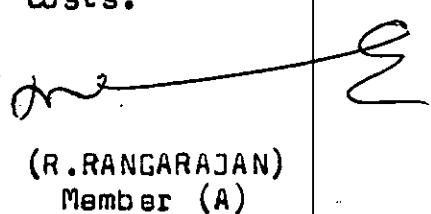
5. In view of the above the impugned order has to be set aside and Respondent No.2 in this O.A. should now call the applicant and find out from him the places where he worked and other details and on that basis his representation should be disposed of in accordance with the rules.

RJ 6. In the result, the impugned order No.1/53(A)/96-97/Adm.1558

dt.5-11-96 (Annexure A-5) is set aside. Respondent No.2 is directed to call the applicant and ascertain from him the places where he worked and other details from June, 1957 to 23-1-1963 and on that basis ~~max~~ a final decision has to be taken by Respondent No.2 and it has to be conveyed to the applicant within 3 months from the date of receipt of a copy of this order.

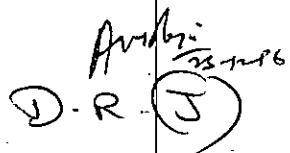
7. The Original Application is ordered accordingly at the admission stage itself. No order as to costs.


(B.S.JAI PARAMESHWAR)
Member (J)
18/12/96


(R.RANGARAJAN)
Member (A)

Dated: 18th December, 1996.
Dictated in Open Court.

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Anubhav
18/12/96
D.R. (J)

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O.A.NO.1456/96

Copy to:

1. The Directorate of General, Archaeological Survey of India, Ganpath, New Delhi.
2. The Superintendent, Museum Branch, Archaeological Survey of India, Port Road, Madras.
3. The Asst. Superintendent, Archaeological Survey of India, Vijayapuri South, Nagarjunasagar, Guntur District.
4. The Pay and Accounts Officer, Archaeological Survey of India, Dayanandnagar, Vidyanager, Hyderabad - 44.
5. One copy to Mr.S.Gopal Rao, Advocate, CAT, Hyderabad.
6. One copy to Mr.V.Vineet Kumar, CGSC, CAT, Hyderabad.
7. One copy to Library, CAT, Hyderabad.
8. One duplicate copy.

YLKR

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TYPED BY
COMPIRED 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: 18/12/86

ORDER/JUDGEMENT

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

O.A.NO. 1486/ⁱⁿ 86

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED
DISPOSED OF WITH DIRECTIONS
DISMISSED
DISMISSED AS WITHDRAWN
ORDERED/REJECTED
NO ORDER AS TO COSTS.

II COURT

YLR

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal
प्रेषण/DESPATCH

- 1 JAN 1997

हैदराबाद न्यायपीठ
HYDERABAD BENCH