

(17)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH  
HYDERABAD

O.A.NO.368/96

Between:

Date of Order: 25.3.96

T.Sreeramulu

...Applicant

And

1. The Director General,  
Archaeological Survey of India,  
Janpath, New Delhi -11.
2. The Superintendent,  
Museum Branch, Archaeological Survey of India,  
Port Road, Madras.
3. Assistant Superintendent,  
Archaeological Survey of India,  
Vijayapuri South,  
Nagarjunasagar,  
Guntur District.
4. The Pay and Accounts Officer,  
Archaeological Survey of India,  
Dayanandnagar, Vidyanagar,  
Hyderabad - 44.

...Respondents.

Counsel for the Applicant : Mr.S.Gopal Rao

Counsel for the Respondents : Mr.N.V.Raghava Reddy

CORAM:

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

contd....

O.A.No.368/96

Date of Order: 25.3.96

J U D G E M E N T

X As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

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The applicant states as follows:-

He was engaged initially in June 1957 on daily wage basis as a casual labour in Archaeological Museum, Nagarjuna Konda Excavation Project, for handling antiquities. By office order No.JKW/25/66-389, dated 25.4.66 he was appointed as an Attendent Class IV in scale of pay of Rs.70-1-85. He appeared before the DPC along with the other candidates sponsored by Employment Exchange for regularisation and he was selected. Though he was regularised he was not given the regular pay scales on par with the regular employees. It is further stated that by memorandum No.1/3/87-Adm-938, dated 25.5.87 he has been regularised and given the scales of pay of Rs.750-940. He retired on 31.8.87.

2. When he represented for pensionary benefits by his letter No.1/53/95-96/2033, dated 14.12.95 he was informed by the impugned order dated 19.1.96 that he was regularised only from 31.8.87 and that the half casual service from 21.3.63 to 31.8.87 only will count for pensionary benefits. Even in that period as there was break he was not entitled for pension as per Rule 14(2) of CCS Pension Rules 1972.

3. Aggrieved by the above he has filed this OA assailing the impugned order dated 19.1.96 for setting aside the same and for consequential benefits for payment of pensionary/retirement benefits.

4. The impugned order dated 19.1.96 was issued by the Pay & Accounts Officer. It is for the departmental officer to give reply to the representation after seeing the records

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whether he is entitled for pensionary benefits on the basis of the records. In the impugned order it is stated that the period he worked as a casual labour from 23.1.63 to 31.8.87 will not count for pensionary benefits as per rule as there was break during service period. This factor has to be examined on the basis of the records and only the departmental official can make such verification and pass a justifiable order.

5. In the circumstances quoted above it is essential that R2 should examine this issue fully and pass a speaking order indicating whether the applicant is entitled for pensionary benefits on the basis of the service rendered by him as a casual labour. It is also necessary for R2 to examine whether his services were regularised way back in 1966 ~~and~~ on the basis of the recommendation of the DPC ~~and~~ if he ~~has~~ not regularised in 1966 the reasons for the same has to be indicated in the speaking order. If his case is inadvertently left out for regularisation in the year 1966 his case is now <sup>to</sup> be considered in accordance with ~~(2)~~ rules.

6. In the result, R2 is directed to give a speaking order taking into account all the points mentioned above and dispose of the representation dated 14.12.95 within a period of 3 months from the date of receipt of a copy of this order.

7. The O.A. is ordered accordingly. No costs.

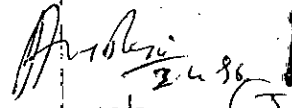
(Registry should send a copy of this OA along with the judgement to R2 for compliance)

  
( R. RANGARAJAN )  
Member (Admn.)

Dated: 25th March, 1996

(Dictated in Open Court )

sd

  
24.86  
Dy. Registrar (J)

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Copy to:

1. The Director General,  
Archaeological Survey of India,  
Janapath, New Delhi - 11.
2. The Superintendent,  
Museum Branch,  
Archaeological Survey of India,  
Port Road, Madras.
3. Assistant Superintendent,  
Archaeological Survey of India,  
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Nagarjunasagar,  
Guntur District.
4. The Pay and Accounts Officer,  
Archaeological Survey of India,  
Dayanandnagar, Vidyanagar,  
Hyderabad - 44.
5. One copy to Mr.S.Gopal Rao, Advocate,  
4-8-700, Gowliguda, Hyderabad.
6. One copy to Mr.N.V.Raghava Reddy, Addl.CGSC,  
CAT, Hyderabad.
7. One copy to Library, CAT, Hyderabad.
8. One spare copy.

YLKR

O.A. 368/96

9/14/96

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD.

HON'BLE ~~SHRI A.S. GORTHI~~ : MEMBER(A)

HON'BLE SHRI R. Ranganathan : M(A)

DATED: 25.3.96

ORDER/JUDGMENT

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

IN

O.A. NO. 368/96

~~ADMITTED AND INTERIM DIRECTIONS ISSUED~~

~~ALLOWED~~

~~DISPOSED OF WITH DIRECTIONS~~

~~DISMISSED~~

~~DISMISSED AS WITHDRAWN~~

~~ORDERED/REJECTED~~

~~NO ORDER AS TO COSTS~~

\* \* \*

A/w copy of OA to R2  
No spare copy

केन्द्रीय प्रशासनिक न्यायालय  
Central Administrative Tribunal  
प्रेषण/DESPATCH  
- 4 APR 1996  
हैदराबाद न्यायपीठ  
HYDERABAD BENCH

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