

(16)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 807/96

Date of Order: 17.7.96

BETWEEN:

T.Sree Ramulu

.. Applicant.

A N D

1. The Director General,
Archaeological Survey of India,
Ganpath, New Delhi - 11.
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 Dist.
4. The Pay and Accounts Officer,
Archaeological Survey of India,
Dayanandapur, Vidyanagar,
Hyderabad - 44.

.. Respondents.

- - -

Counsel for the Applicant

.. Mr. S. Gopal Rao

Counsel for the Respondents

.. Mr. K. Ramulu

- - -

GORAM:

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

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J U D G E M E N T

{ Oral order as per Hon'ble Shri R. Rangarajan, Member (Admn.) }

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Sri S. Gopal Rao, learned counsel for the applicant.

None for the respondents.

2. The applicant filed OA. 368/96 for getting the pension and pensionary benefits, that OA was disposed of on 25.3.96 by giving directions to R2 in that OA to dispose of his representation dt. 14.12.95 within a period of 3 months from the date of receipt of a copy of the judgement. His representation dt. 14.12.95 was disposed of by the impugned order No. 1/53/96-97/Adm. 776 dated 19.6.96 (A-1). It was stated in the impugned order

that the applicant herein was engaged on daily wages as labourer from 23.1.63 onwards and he retired from service on 31.8.87. It looks from the reply that the applicant was engaged against leave vacancy as and when occurred and was terminated when the leave vacancy expired. The concluding para of the reply reads as below:-

"As per O.M.No.F12(1)-V/68, dated 14-5-1995, half of the service paid from contingencies will be allowed to count for pension and the minimum period for eligibility for pension is 10 years of service which is not fulfilled by Sri T.Sreeramulu and hence he is not eligible for pensionary benefits as per rule 14(2) of CCS Pension Rules 1972. On this basis the Pay and Accounts Office, Archaeological Survey of India, Hyderabad has rejected the pension to Shri T.Sreeramulu".

3. From the above it looks that the broken period of casual services were taken into account right from 23.1.63 and on that basis he has not put in the minimum period of 10 years for eligibility for pension and hence he is not eligible for pensionary benefits as per Rule 14(2) of CCS Pension Rules, 1972.


4. There is no dispute in regard to the calculation of the pensionable service period from 23.1.63 till he retired from service on 31.8.87 submits the learned counsel for the applicant. But he states that he was engaged earlier in June 1957 and as a proof of that statement he produced a certificate dt. 29.3.66 issued by one Shri Vidyadhar Rao, Technical Assistant, Archaeological Museum, Nagarjuna Konda. The applicant further pleads if the period from June 1957 to 23.1.63 is also taken into account he had completed more than 10 years service and thereby he will qualify for pension.

5. The applicant has not taken any effort to approach the authorities producing the certificate dated 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

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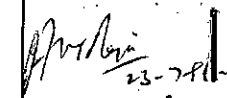
along with the representation there is every possibility that the respondents themselves would have examined the case to see whether he had any casual service earlier to 23.1.63 from 1957. But the applicant failed to do so. There is no adjudication required in this case except to verify the authenticity 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^{Yamy,} along with a copy of the letter dt.29.3.66 to R2. That written representation should be disposed of by R2 after checking the records if available. But the representation should not be disposed of merely stating that records in ~~turn~~^{question} is not ^{available} after through scrutiny no records in this connection is available then R2 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. In spite of all efforts as mentioned above proved futile a detailed reply should be given to the applicant indicating the various efforts made ^{look and} to check the records. In case 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.

5. Time for compliance is 3 months from the date of receipt of the representation of the applicant.
6. The OA is disposed of as above at the admission stage itself. No costs.
7. (Registry to send a copy of the OA along with the judgement to R2.)


(R. RANGARAJAN)
Member (Admn.)

DATED: 6666h July, 1996
(Dictated in Open Court)

sd


23-7-96
Dy. Registrar (S)

O.A. 807/96.

Copy to:-

1. The Director General, Archaeological Survey of India, Ganapath, 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.
4. The Pay and Accounts Officer, Archaeological Survey of India, Dayanandanagar Vidyanagar, Hyd.
5. One copy to Sri. S.Gopal Rao, advocate, CAT, Hyd.
6. One copy to Sri. K.Ramlu, Addl. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

Rsm/-

1/8/96

OA-807/96

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED:

11/7/96

ORDER/JUDGEMENT

O.A. NO./R.A./C.P. NO.

in

O.A. NO.

807/96

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

~~DISPOSED OF WITH DIRECTIONS~~

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

~~NO ORDER AS TO COSTS.~~

YLKR

II COURT

A/c copy OA to R2.
No spare copy

