

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.1609/97

dt. 1-7-98

Between

R. Ranganathan

: Applicant

and

1. Accountant General(A&E)
Andhra Pradesh, Hyderabad

2. Commandant Headquarters-I
EME, Centre, Secunderabad-10

3. Comptroller & Auditor Genl. of India
New Delhi

:

: Respondents

Counsel for the applicant

: K. Venkateswara Rao
Advocate

Counsel for the respondents-1&3

: G. Parameshwara Rao
Advocate

Counsel for respondent-2

: N.R. Devaraj
CGSC

CORAM

HON. MR. R. RANGARAJAN, MEMBER (ADMN.)



Order

Oral order (per Hon. Mr. R. Rangarajan, Member (Admn.)

Heard Mr. K. Venkateswara Rao for the applicant, Ms. for R-1 & 3, Shakti for Mr. G. Parameshwar Rao/ and Mr. N.R. Devaraj for Respondent-2.

1. Short facts of this case are as follows :

The applicant submits that he joined as L.D. Clerk under Respondent-2 with effect from 7-8-1961 and he applied for the post of UDC after he qualified in B.A. under Respondent-1 as per notification. The applicant further submits that he has applied for the said post duly enclosing No- dt.31-8-1968 objection-certificate/issued by the Second respondent, a xerox copy of which is enclosed at Annex.4. The applicant submits that he has been relieved from the post under Respondent-2 for joining as UDC under Respondent-1 organisation and hence he ~~xxx~~ is entitled for counting his service under Respondent-1 organisation for the purpose of pension and pensionary benefits.

2. Respondent-1 wrote to Respondent-2 in regard to the past services of the applicant for pensionary benefits by letter No. Admn. II/U-IV/8-25/RR-36 dated 5-9-1996 (Annex.II).

Respondent-2 replied him saying that the applicant was discharged on his own request and no service gratuity/ pension was paid to him. It is also stated that the case is more than 28 years old and no correspondence is available to give details about the applicant in regard to his service under Respondent-2. The service book of the applicant was also forwarded to Respondent-1 along with impugned letter No.

20602/EST/CIV dated 31-12-1996.

3. This OA is filed for setting aside the impugned letter No.20602/EST/CIV dated 31-12-1996 and consequently direct respondent-1 organisation in regard to service particulars of the applicant for counting his earlier service under Respondent-2 for the purpose of pension and pensionary benefits.

4. Respondent-2 has filed a reply in this connection. It is stated in the reply that no objection certificate for registering his name with the Employment Exchange for higher post elsewhere was only issued to him by letter No.30234/A. III Dated 24-1-1968 (Annex.V). It is further stated that the applicant had resigned his job by his application dated 3-10-1969 at his own request which was accepted under the authority of EME Records letter No.30316/A.III dated 9-10-1969 with effect from 6-10-1969. Learned counsel for the respondents for Respondent-2 doubts the authenticity of the certificate at Annex.IV. It is further stated that the case is over 29 years old and no correspondence is available with them for confirming his service in Respondent-2 organization for the purposes of granting pension and pensionary benefits. The main contention of the applicant is that he was relieved and as no objection certificate was issued to him the period he was employed under Respondent-2 had to be counted as period for the sake of pension and pensionary benefits under Respondent-1 organization.

5. Respondent-1 and Respondent-3 have also filed reply. It is not necessary to go into their reply as Respondent-1 organisation will accept the services rendered by the applicant under Respondent-2 organisation if it is certified by Respondent-2 organisation as service which can be counted



for the purpose of pension and pensionary benefits.

6. The whole issue now revolves round whether the applicant submitted his resignation on his own and was relieved on that basis or the applicant submitted a resignation and also requested for no objection certificate before joining Accountant General's office so as to enable him to get the period under R-2 counted for the purposes of pension and pensionary benefits. The learned counsel for the applicant submits even in the letter No. Admn. II/U-IV/ 8-25/RR-36 dated 5-9-1996 by Respondent-1 addressed to R-2 (Annex. II) it is stated in the application of the applicant for the post of UDC, he was an LD Clerk in the EME Centre and was also issued no objection certificate on 31-8-1968 stating that his office has no objection in the event of his selection for the post of UDC. But that was qualified by Respondent-1 to state whether the applicant has been relieved to take up the appointment in his office and whether the services rendered by the applicant as LDC from 7-8-1961 to 6-10-1969 is to be counted for his pensionary benefits. That would definitely mean that Respondent-1 organisation is not having the records to prove that the applicant was relieved with no objection to join as UDC under Respondent-1 organization and to grant him benefits of his earlier service under Respondent-2 for the purposes of pension and pensionary benefits.

7. Under the above circumstances the responsibility now falls on the applicant to prove that he was relieved from Respondent-2 organization with no objection certificate to join as UDC under Respondent-1 organization and hence that period he served under Respondent-2 has to be counted for the purpose of grant of pension and pensionary benefits. The applicant should prove that he

has not submitted his resignation on his own and hence the non-counting of earlier period is illegal.

8. In view of the above facts and circumstances of the case the following direction is given :

The applicant should conclusively prove that the certificate at Annexure-IV is a genuine one and he was relieved by Respondent-2 organisation to join Respondent-1 Organisation enabling him to count his service in R-2 organisation for the purpose of pension and pensionary benefits. If such a proof is produced before R-2 by the applicant then the proof submitted by him should be examined with open mind without any bias in a fair manner and a reply should be given to the applicant as well as to Respondent-1. in this connection.

9. With the above direction the OA is disposed of.

No costs.



(R. Rangarajan)
Member (Admn.)

Dated : June 1, 98
Dictated in Open Court

dictated
D R 6-1-98

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Copy to:

1. Accountant General, (A&E), Andhra Pradesh, Hyderabad.
2. Commandant Head quarters, I, EME Centre, Secunderabad.
3. Comptroller & Auditor General of India, New Delhi.
4. One copy to Mr.K.Venkateswara Rao, Advocate, CAT, Hyderabad.
5. One copy to Mr.G.Parameshwara Rao, Addl.CGSC, CAT, Hyderabad.
6. One copy to Mr.N.R.Devraj, Sr.CGSC, CAT, Hyderabad.
7. One copy to D.R(A), CAT, Hyderabad.
8. One duplicate copy.

YLKR

16/7/98
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II COURT

TYED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 16/7/98

ORDER/JUDGMENT

M.A/R.A/C.P.NO.

in
C.A.NO. 1609/92

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPENSED OF WITH DIRECTIONS ✓

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रष्ट / DESPATCH

16 JUL 1998
N.S.
हैदराबाद न्यायपीट
HYDERABAD BENCH