

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

OA No. 442/1997 with MA No.299/97

Date of order: 16.10.1997

Vimal Prasad Jain S/o Shri Mukhtar Singh Jain, aged about 77 years,
resident of House No. B-237, Malvia Nagar, Jaipur.

.. Applicant

Versus

1. Union of India through its General Manager, Church Gate, Bombay.
2. Financial Advisor and Chief Accounts Officer, Western Railway Church Gate, Bombay.
3. The Divisional Manager (Accounts & Pension) Western Railway, Ajmer.

.. Respondents

Mr. Rajendra Vaish, Counsel for the applicant

CORAM:

Hon'ble Mr. O.P.Sharma, Administrative Member

Hon'ble Mr. Ratan Prakash, Judicial Member

ORDER

Per Hon'ble Mr. O.P.Sharma, Administrative Member

In this application under Section 19 of the Administrative Tribunal Act, 1985 Shri Vimal Prasad Jain has prayed that the service rendered by the applicant with the State of Uttar Pradesh may be directed to be treated as qualifying service for pensionary benefits and the pension payable to the applicant may be enhanced from 30.11.1978, the date on which he retired on superannuation from the Railways, after counting the services rendered by the applicant with the State of Uttar Pradesh. He has further prayed that all arrears and benefits monetary and non-monetary as may be due to the applicant may be granted to him and the benefits which may become due on implementation of the recommendations of the 5th Pay Commission may also be granted to the applicant.

2. The case of the applicant is that he retired from the services with the Railways on 30.11.1978. From 1945 to 1955 he had served

3

with the Government of UP and he had joined services with the respondent railways on 1.3.1955. His further case is that his application for recruitment with the Railways was duly forwarded by the State of UP and that he had tendered his resignation from service with the Government of UP only for technical purposes for joining the Railways. He claims to have submitted representations from time to time seeking service rendered with the Government of UP being treated as qualifying service for pensionary benefits on his retirement finally from the services with the Railways. He relied on Ann.A1 which does not bear any exact date and is stated to be of December, 1975 by which he had made a representation to the Accounts Officer, Ajmer praying that the service rendered under the UP Government may be treated as part of his qualifying service. He also refers to Ann.A2 dated 12.11.1994. It is a representation made by him to the Government of UP more or less with the same prayer. Other Annexures on record relate to correspondence between different Departments of the Government of UP regarding his matter. He had also served a legal notice dated 16.8.1997 on the Railways for redressal of his grievances. According to him, after he has had no response from the Railways to his legal notice even, he has approached this Tribunal on 3.10.1997 with the present application.

3. During the arguments the learned counsel for the applicant stated that all the details with regard to his service with the Government of UP would be available with the Railways because he had applied for employment with the Railways when he was serving with the Government of UP and his application was forwarded by the Government of UP. He also stated that the matter on his behalf had also been taken by the Unions with the Railways but there has been no satisfactory response from the authorities. He has, therefore, prayed that appropriate directions may be issued to the Railways to count his service rendered under the Government of UP and consequential benefits which may be available to him from 30.11.1978 may be given to the applicant.

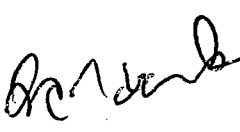
4. We have heard the learned counsel for the applicant and have also gone through the material on record. The applicant has also filed a

Q


Misc. Application seeking condonation of delay in filing the OA.

5. The first representation made by the applicant stated to be at Ann.A1 is of December, 1975 addressed to the Accounts Officer, Western Railway, Ajmer. In this representation no details are available about the particulars of service rendered by the applicant with the Government of UP which would have enabled the Railway Authorities to locate the matter regarding services with the UP Government or to collect details or particulars from the Government of UP. Ann.A2 is a representation dated 12.11.1994 in which some details are available but this is after a gap of virtually 20 years. The applicant has not been able to furnish any original document which shows that his services were placed at the disposal of the railway authorities by the Government of UP, on his being selected for appointment with the Railways or which may show that the Government of UP had forwarded his application for employment with the Railways to the railway authorities. In the absence of such material being available it would be impossible for the railway authorities at this point of time i.e. after a lapse of 20 years from the date of retirement of the applicant and after a lapse of more than 40 years after his joining the Railways, to be able to dig out the details with regard to the applicant's service with the Government of UP or for the Government of UP to be able to furnish any document in this regard. No doubt, the applicant has made an application for condonation of delay in filing the OA, but the issue is whether after lapse of so much time it would be possible for any authority, particularly in the absence of any details having been furnished by the applicant and any original documents having been furnished, to take necessary action as desired by the applicant.

6. In the circumstances, we are of the view that filing of this application is nothing but an exercise in futility. We are, therefore, not inclined to admit this application. The application is dismissed at the stage of admission. MA for condonation of delay in filing the OA is also dismissed.


(Ratan Prakash)

Judicial Member


(O.F.Sharma)

Administrative Member