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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.528/97

Date of order: 5.4.1999

R.L. Mina, S/o Shri Murli Ram Mina, aged about 56 years, resident of Nayawass Jeypaltan, Alwar, presently working as Chief Signal & Telecom Engineer, North Western Railway (Zonal Office), Jaipur.

...Applicant.

Vs.

1. Union of India through Chairman, Railway Board and Ex-officio Secretary, Indian Railways, Govt. of India, Rail Bhawan, New Delhi.
2. Officer-on-Special Duty, North Western Railway, Opposite Railway Station, Jaipur.
3. General Manager, Central Railway, Chhatrapati Shivaji Terminal (TT), Mumbai.
4. Secretary, Department of Telecommunication, Sanchar Bhawan, Govt. of India, New Delhi.
5. Chief General Manager, Telecommunication, Rajasthan Circle, Jaipur.

...Respondents

Mr.Vinod Goyal Proxy of Mr.R.N.Mathur - Counsel for applicant.

Mr.U.D.Sharma - Counsel for respondents Nos.1 to 3

Mr.M.Rafiq - Counsel for respondents Nos.4 & 5.

CORAM:

Hon'ble Mr.Ratan Prakash, Judicial Member.

PER HON'BLE MR.RATAN PRAKASH, JUDICIAL MEMBER.

Applicant herein R.L.Mina, has filed this application under Sec.19 of the Administrative Tribunals Act, 1985, seeking a direction against the respondent Telecommunication Department to compute the period from 17.8.1964 to 11.2.1974 as the period of qualifying service for computing the pensionary benefits of the applicant on joining the respondent Railway Department.

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2. Facts in brief which are not in dispute are that the applicant was selected as Engineering Supervisor Telegraph by the respondent Telecommunication Department. On completing of training at the Telecommunication Training Centre, Jabalpur w.e.f. 17.8.1964 to 16.6.1965; he underwent practical training held at Jaipur w.e.f. 17.6.65 to 30.8.1965 and thereafter he joined duties with the Telecommunication Department on 1.9.1965 on deputation at Delhi. He continued to serve the respondent Telecommunication Department upto 10.2.1974 and thereafter was relieved from Alwar to join the respondents Railways on 11.2.74. He joined the services of the respondent Railways on 16.2.1974.

3. The respondent Departments have separately filed their replies to the O.A. The respondent Railways assert that they are repeatedly asking the Telecommunication Department to verify the service rendered by the applicant in that department but in the absence of non-verification of the complete period of service rendered by the applicant with the respondent Telecommunication Department, his case has not been finalised. The respondent Telecommunication Department on the other hand states in its reply that the applicant's service with them for the period between 16.11.68 to 11.2.74 has already been verified. However, they assert that efforts are on to verify the service of the applicant from 17.8.64 to 30.8.65 and also from 1.9.65 to 15.11.68. They have further stated that the services of the aforementioned periods could not be verified by them as the Service Book and other relevant records of the applicant have been misplaced due to late application of the applicant which has been made by him after 18 years. However, they state that efforts are still being made to trace the service record and to verify the service period of the applicant falling between 17.8.64 and 16.6.65; 17.6.65 to 30.8.65 and 1.9.65 to 15.11.68.

4. I heard the learned counsel for the parties. It is a matter of service period verification. The respondent Telecommunication department admits that the applicant was selected in the year 1964 and was also sent on training and was further relieved to join the respondent Railway in the year 1974. It is thus <sup>the</sup> bounden duty of the respondent Telecommunication Department to trace out the service record of the applicant from 17.8.64 to 30.8.65 as also between 1.9.65 to 15.11.68 and verify it. They cannot avoid it by saying that the records are not traceable.

5. In the facts and circumstances of the case, the respondent Telecommunication Department i.e. respondents Nos.4 & 5 are directed to verify the services rendered by the applicant between the period from 17.8.64 to 30.8.65 and 1.9.65 to 15.11.68 within a period of four months from the date of receipt of a copy of this order and communicate to the respondent Railway i.e. respondents Nos.1, 2 & 3. After receipt of the aforesaid verification, the respondent Railway should issue necessary orders within two months thereafter regarding the services rendered by the applicant for computation of his pensionary and other benefits.

6. The O.A is disposed of accordingly with no order as to costs.

  
(Ratan Prakash)

Judicial Member.