

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

OA 521/2002

DATE OF ORDER : 23.7.2003

M.L. Sharma son of Shri Suraj Mal Sharma, aged 61 years,
Retired as P.G.T. (Com.) Kendriya Vidyalaya No. 4, Jaipur.
Resident of A-38, Anand Vihar, Gopalpura, Bypass, Jaipur.

... Applicant.

VERSUS

1. Kendriya Vidyalaya Sangathan, through the Commissioner
18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi.
2. Asstt. Commissioner, Kendriya Vidyalaya Sangathan,
Jaipur Region, Gandhi Nagar Marg, Bajaj Nagar, Jaipur.

... Respondents.

Mr. Ravi Chirania, Proxy counsel for
Mr. Rajendra Vaish, Counsel for the applicant.

CORAM:

Hon'ble Mr. M.L. Chauhan, Member (Judicial)

ORDER (ORAL)

The grievance of the applicant in this case is that the services rendered by him w.e.f. 21.12.1964 to 24.7.1978 in Gandhi Sr. Secondary School, Gulabpura (Rajasthan) which is 95% aided by the Government of India, be counted for the purpose of pensionary service. In that behalf, he had also made a representation dated 28.12.90 (Annexure A/6) whereby stating that he is entitled for pension pursuant to the order No. 18(Misc.) PS/87-88/KVS/(PRI) dated 22.10.90. The said representation has been rejected vide order dated 3.10.2002 (Annexure A/14

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on the ground that the services rendered by the applicant w.e.f. 21.12.1964 to 24.7.1978 in privately managed school cannot be treated at par with the service rendered in Central or State Govt./Autonomous Body in terms of Para 2 of Office letter No. F.9-3/99-2000/KVS(Audit) dated 17.11.99. It is this order, which is challenged in this OA and the applicant has prayed that the order dated 3.10.2002 (Annexure A/14) whereby the respondents have refused to count the past service of the applicant for the purpose of pension may kindly be treated as null & void and the same may be set aside. He has further prayed that the respondents may be directed to pay the pensionary benefits by counting the past services of the applicant w.e.f. 21.12.1964 to 24.7.1978.

2. This case was listed for the first time for admission on 5.12.2002 and the same was adjourned to 23.12.2002 on which date, this Tribunal pass the following order :-

"There is nothing on record that the private institutions can be granted the benefit of qualifying service for the purpose of retiral benefits. Let the applicant file relevant rules/law whereby he is claiming this benefit."

List it for orders on 8.1.2003."

After that the matter was adjourned for number of occasions either on the request of the applicant or the applicant was not present and finally the matter was listed on 25.4.2003 whereby it was recorded that the case is adjourned as a last opportunity to 4.6.2003. Even on 4.6.2003, the applicant has neither complied the order dated 23.12.2002 nor he was personally present. The learned Proxy counsel made a request that the original counsel has gone out of station and prayed for adjournment of the case and the same was adjourned by this Tribunal to be listed on 23.7.2003. As such the matter has appeared before this Court. The applicant has not complied the order dated 23.12.2002

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despite giving repeated opportunities by this Tribunal. The applicant has not even annexed the copy of the letter No. 18(Misc.)PS/87-88/KVS(PRI) dated 22.10.90, which is relied upon by him in his representation and on the basis of which he is claiming for counting of his past services for the purpose of pensionary benefits.

3. Under these circumstances, the present application is dismissed for non prosecution. It is, however, clarified that this order will not come in the way of the applicant to file substantive OA whereby annexing the relevant instructions or rules on the basis of which services rendered in private school can be counted for the purpose of pensionary benefits. It will also be open for the respondents to take all available objections including that of limitation.

4. With these observations, this OA is dismissed.


(M.L. CHOHAN)
MEMBER (J)