

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH
JABALPUR

O.A. No. 807/2002

Jabalpur this the 13th November, 2003

HON'BLE SHRI SARWESHWAR JHA, MEMBER (A)
HON'BLE SHRI BHARAT BHUSHAN, MEMBER (J)

v.S. Thakur,
S/o Shri Raghunath Singh,
Deputy Conservator Forests, IFS,
(Retire), R/o HIG, C/13,
Shailendra Nagar, Raipur,
(Chhattisgarh) ... applicant

(By Advocate: Shri R.C.Tiwari)

Versus

1. The Union of India
Through the Secretary,
Ministry of Environment and
Forests, CGO Complex,
New Delhi.
2. The State of Madhya Pradesh,
through the Principal Secretary,
Forest Department,
Vallabh Bhawan,
Bhopal, M.P.
3. The Principal Chief Conservator
of Forests, M.P.,
Satpuda Bhawan,
Bhopal, M.P. ... Respondents

(By Advocate: ~~Shri~~ None)

O R D E R (Oral)

By Hon'ble Shri Sarweshwar Jha, Member (A):

Heard the learned counsel for the applicant.
None present on behalf of the respondents even on
second call. We have decided to dispose of this
OA in terms of Rule 16 of the CAT(Procedure) Rules,
1987.

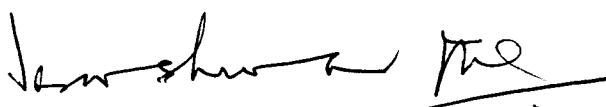
2. It is observed that the applicant who has
become a Member of the All India Service (Indian
Forest Service) and was confirmed in the said



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service on 20.11.1993 and who retired from the said service on 31.8.1993, has claimed the pensionary benefits as a member of the All India Service under All India Services (Death-cum-Retiral Benefits) Rules, 1958. However, on perusal of the reply of the respondents, it is observed that they have already considered this matter and have submitted that the applicant, even though a member of the All India Service, ~~had not~~ ^{been b..} confirmed in the said All India Service before he retired on superannuation, and accordingly, as provided for under Rule 8 of the Rules as referred to hereinabove, he does not become eligible for receiving the pensionary benefits as an All India Service Officer. In such cases, where an officer of an All India Service has not been confirmed while in ~~white~~ service before ~~his~~ retirement, they will get pensionary benefits under the relevant provisions of the State Government which were applicable to him before retirement from the All India Service, as explained in the orders of the Department of Personnel & Training dated 31.8.1984 (Annexure R1).

3. The learned counsel for the applicant has, however, submitted that there is no provision under Rule 8 of the said Rules regarding the cases of officer of All India Services who are ~~not~~ confirmed in the service before their retirement. He is, therefore, of the view that such cases being not provided for under the Rules and only provided for in the executive instructions of the



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Government will need to be looked into by the respondents not necessarily under the letter of the Department of Personnel ~~mixed~~ & Training dated 31.8.1984.

4. The learned counsel for the applicant, however, mentioned that in another case an officer from the State Service on promotion to All India Service had been confirmed the service only three days after his appointment, whereas in the case of the applicant he was confirmed much latter. It was, however, observed that this aspect of the matter should have been raised by the applicant separately with the respondents and which has not been raised in this OA. In the ~~xxxxxxxxxx~~ event of confirmation date being pre-ponied the complex ion of the case will alter all together.

5. We have considered the submission made by the learned counsel for the ~~xxx~~ applicant in this regard. We have also perused the material available on record both as submitted by the applicant as also as submitted by the respondents, and observed that Rule 8 read with the letter of the Department of Personnel & Training dated 31.8.1984 provide for how the cases of All India Service officers who retired from the said service before their confirmation in the respective All India Service can be dealt with only under Rule 8 together with the said letter of the Department of Personnel & Training. *In case of the applicant has been highly considered and not accepted under ~~the~~ ^{contd.} provisions*

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6. That being the case, we do not find any merit in the case of the applicant and, therefore, dismiss the same as devoid of ^{any} merit. No costs.


(BHARAT BHUSHAN)
MEMBER (J)

Jawaharlal Nehru
(SARWESHWAR JHA)
MEMBER (A)

/rao/

पृष्ठांकन सं. ओ/न्या.....जालामुर, दि.....

संक्षिप्तियां अन्यां शिरः -

(1) रामिंद, उत्तर वाराणसी नगर पालिका, उत्तर वाराणसी
 (2) लाल और श्री/क्लीविंग, लाल और श्री/क्लीविंग वाराणसी AC Tiwari, A. du.
 (3) रामनी, लाल विठ्ठल, लाल विठ्ठल K N Pethia, A. du.
 (4) वंदेश्वर, वंदेश्वर, वंदेश्वर, वंदेश्वर

जलसंग्रहालय
उत्तर प्रदेश सरकार 19.11.03

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