

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITTING :BILASPUR

Original Application No.534 of 1999

Bilaspur, this the 9th day of December, 2003.

Hon'ble Shri M.P.Singh - Vice Chairman
Hon'ble Shri G.Shanthappa - Judicial Member

Niranjan Goswami, Retd.Investigator,
R/o Kumharpara, Jagdalpur, District Bastar M.P. - APPLICANT
(By Advocate - None)

Versus

1. Union of India,through : Secretary, Ministry of Personal & Public Grievances (Pension & Welfare), Lokmanya Bhavan, New Delhi.
2. The Development Commissioner, Small Scale Industries, Ministry of Industry, 705 A Wing, Nirman Bhavan, New Delhi.
3. The Principal Accounts Officer, Ministry of Industries, 517 D, Udyog Bhavan, New Delhi.
4. The Director, Small Industry Service Institute, Harsidh Chamber, Ashram Road, Ahamadabad.
5. The Collector, Jagdalpur, District Bastar (MP) - RESPONDENTS
(By Advocate - None)

O R D E R (Oral)

By M.P.Singh, Vice Chairman -

None is present. It is a case of the year 1999 and we are disposing of the same by invoking the provisions of Rules 15 & 16 of the Central Administrative Tribunal (Procedure) Rules, 1987 after going through the pleadings available on record.

2. By filing this Original Application the applicant has sought a direction to quash the order dated 24.12.1997 (Annexure-A-6) and has also sought a direction to count his service from 28.1.1957 to 27.3.1960 towards qualifying service for the purpose of pensionary benefits.
3. The brief facts of the case are that the applicant was initially appointed as a Clerk in the Block Development office in the State Government of Madhya Pradesh on 28.1.1957 and he worked there upto 26.3.1960. Thereafter he was appointed as Lower Division Clerk in the Dandakaranya Project on 28.3.1960. He was promoted as UDC in the said

department and was further promoted in the grade of Selection Grade Clerk with effect from 3.6.1987. Thereafter on closure of the DNK Project, the applicant was absorbed in the office of S.I.S.I.Ahamedabad, Gujarat through the surplus cell as Investigator, and attained the age of superannuation on 1.1.1989.

4. The contention of the applicant is that he had applied for the post of LDC in the Central Government through proper channel, therefore, when he was working in the Central Government ^{past} ~~rendered in state govt with~~ his services should be counted for grant of pensionary benefits. Therefore, the respondents should be directed to pay him the revised pensionary benefits along with interest at the rate of 24% per annum. His representation to count past service has been rejected by the respondents vide their letter dated 24.12.1997 (Annexure-A-6). Hence he has filed this OA.

5. The respondents in their reply have stated that the applicant has filed this OA for direction to the respondents to count the service rendered by him in the State of Madhya Pradesh with effect from 28.1.1957 to 27.3.1960 towards qualifying service for the purpose of granting him pensionary benefits under the Central Government. According to the respondents, the case of the applicant was ^{re-} ~~considered~~ for counting the past service and after examining the matter, the request of the applicant for counting the past service has now been accepted as 'a special case' vide memorandum dated 21.12.99 (Annexure-R-1). So far as the demand of the applicant for granting him interest at the rate of 24% with effect from 1.1.1989 on account of delay is concerned, it has been submitted by the respondents, that the applicant himself had taken up his case for counting of his past service after a delay of six years of his retirement and, therefore, he is not entitled for grant of any interest ^{of pension &} on the arrears ~~to be granted to him~~ as a result of counting his past service in the State Government.

6. We have carefully perused the pleadings and documents available on record. We find that the applicant has filed this OA on 23.9.1999 and the respondents vide their letter dated 21.12.1999 have granted him the benefit of his past service rendered by him in the State Government as 'a special case'. Therefore, he has got the benefit of the past service for which he has filed this OA and as such this OA has become infructuous. As regards the payment of interest, we find that the applicant himself is responsible for the delay as he had not raised the issue while he was in service. Therefore, there was no question of counting of his past service and payment of retiral benefits by taking into consideration of his past services and, therefore, his claim for payment of interest is without any merit and the same is rejected.

7. In the result, for the reasons stated above, the O.A. is disposed of. No costs.

(G. Shanthappa)
Judicial Member

(G.Shanthappa)
Judicial Member

m.p.singh
(M.P.Singh)
Vice Chairman

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for part of the time, and the other part of the time, he is not.

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Reporter -

Prafull Phorat, Ach.

SC Sharmer, Adm

S. yadav, Adw.

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