

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
(CAMP OFFICE AT INDORE)

original Application No. 801/2000

Indore, this the 20th day of April, 2004

Hon'ble Shri M.P. Singh - Vice Chairman
Hon'ble Shri Madan Mohan, Member (J)

Raghunandan s/o Sh.Phoolchand Bhargava,
Occupation - Retired,
R/o 606, Shramik Colony,
Rao (Indore).

...Applicant

(By Advocate: None)

-versus-

1. Union of India through
Commissioner - Kendriya
Vidhyalaya Sanghtan,
Ayudigik Area,
18, Shahid Jeet Singh Marg,
New Delhi.
2. Assistant Commissioner,
Kendriya Vidyalaya Sanghatan,
Regional Office,
Opp. Central India Flour Mill,
Bhopal.
3. State of Madhya Pradesh,
Through Secretary,
School Education Department,
Bhopal.
4. Joint Director,
Public Education,
Bhopal,
5. District Education Officer,
M.O.G. Lines,
Indore.

...Respondents

(By Advocate: Smt. S.R.Waghmare)

O R D E R

(By Madan Mohan, Member (J)):


By filing this Original Application, the applicant has
filed the present application seeking the following main
reliefs:-

- i) To direct the respondents to include the previous
service under State Govt. of M.P., i.e. from 4.11.60
to 7.01.78 i.e. 17 years and two months for pensionary
and other benefits.
- ii) To direct the respondents to pay all the benefits
with interest @ 18% p.a. to the applicant after
inclusion of previous service.

2. The brief facts of the case are that the applicant was initially appointed as Assistant Teacher on 4.11.1960 at Depalpur, District Indore by the Education Department of State of Madhya Pradesh. Thereafter he was transferred to Rangwasa (Rao) and worked upto 7.1.1978 i.e. 17 years and 2 months and also availed all the benefits as an employee of State Govt. of Madhya Pradesh. While working at Rangwasa Middle High School, the applicant was granted 'no objection certificate' for submission of the application to Central Educational Organisation through proper channel. The applicant was selected in Central Educational Organisation and hence he submitted a voluntary resignation to the respondent no. 5 which was accepted by them vide order dated 7.1.1998. The applicant accordingly joined in Kendriya Vidhyalaya School on 10.1.1978 and retired on 31.12.1999 from Kendriya Vidhyalaya, Ujjain. After retirement, respondent no. 2 sanctioned superannuation family pension to the applicant vide letter dated 3.1.2000 in which length of service was shown 22 years i.e. from 10.01.1978 to 31.12.1999. Looking to it, it is clear that services rendered under the State Govt. of M.P. i.e. 17 years and 2 months were not counted by the respondents no. 1 for retiral benefits which ought to have been counted as per the decision of Hon'ble Apex Court and Hon'ble High Court one of which decided by Hon'ble High Court at Indore Bench in M.P. No. 78/84 in the matter of Satyanarayan vs. UOI & Ors. on 26.7.1989. In view of the above circumstances, the applicant sent a registered legal notice to the respondents on 24.1.2000 but the same has neither been considered nor replied. Therefore, the present application has been filed seeking the aforesaid relief.

3. Since none is present on behalf of the applicant and the matter pertains to the year 2000, we propose to decide the case by invoking the provisions of Rule 15 of Central Administrative Tribunal (Procedure), 1987. Heard the learned counsel for the respondents.

4. It is argued on behalf of the respondents that the



applicant did not exercise his option for counting of his past service rendered in the State of Madhya Pradesh, within one year from the date of absorption. The stipulated time as per office Memorandum issued by the Govt. of India, Ministry of Home Affairs, Department of Personnel and Administrative Reforms dated 29th August, 1984. Hence, his previous service rendered in the State of Madhya Pradesh was rightly not counted towards pensionary benefits.

5. After hearing the learned counsel for the respondents and perusal of the record, we find that the Hon'ble High Court of Madhya Pradesh in M.P. No. 78/84 (supra), the facts and issues of that case are similar and identical to the present case, held as under:-

"8. For the foregoing reasons this petition deserves to be allowed and is accordingly allowed with costs. Counsel's fee Rs. 500/-, if certified. It is directed that the respondents shall count the period of service rendered by the petitioner to the State of M.P. for the purpose of counting the qualifying service for pensionary benefits and pay him his pension accordingly. The arrears so far accumulated shall be paid with interest at the rate of 12/- per cent per annum within three months from today."

Since the applicant was given the 'no objection certificate' for submission of his application to Central Education organisation through proper channel from where he stood retired, the past service rendered by him in the State of Madhya Pradesh ought to have been counted for the purposes of qualifying service towards pensionary benefits.

6. In the facts and circumstances of the case and in accordance with the above judgement of the Hon'ble High Court, we are of the opinion that the original Application deserves to be allowed. As regard the rate of interest @ 12% p.a. awarded by the Hon'ble High Court, the same was awarded in the year 1989 when the bank rate was higher than what is prevailing today. Hence the rate of interest deserves to be awarded only at 5% p.a.

7. In view of the above discussion, we allow the original Application directing the respondents to count the period of service rendered by the applicant to the State of Madhya Pradesh



for the purpose of counting the qualifying service for pensionary benefits and pay him his pension accordingly. The arrears so far accumulated shall be paid with interest @ 5% per annum within a period of three months from the date of receipt of a copy of this order. No costs.

(Madan Mohan)
Member (J)

/na/

(M.P. Singh)
VICE CHAIRMAN

कृष्णांकन सं ओ/व्या. जलपुर, दि.....
प्रतिनिधि वरुण सिंह—
(1) जलपुर, जलपुर वरुण सिंह, जलपुर
(2) जलपुर, जलपुर वरुण सिंह, जलपुर के वरुण सिंह
(3) जलपुर, जलपुर वरुण सिंह, जलपुर के वरुण सिंह
(4) वरुण सिंह, जलपुर, जलपुर वरुण सिंह के वरुण सिंह
सूचना एवं आवश्यक कार्यवाही हेतु
जलपुर, जलपुर

AK Sirpurkar
Sd/- BK Waghmare

7/4/22
22-4-22