

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

New Delhi this the 8th day of September, 2015

MA 1701/2014

OA 1597/2009

Present: Shri Yogesh Sharma, counsel for applicant.
Shri Vaibhav Agnihotri counsel for respondent
Nos. 1 & 2.

The OA No. 1597/2009 was disposed of by
this Tribunal in terms of order dated 05.03.2010. The
order read thus:-

“Ganesh Devi, applicant herein has filed this application under Section 19 of the Administrative Tribunals Act, 1985 seeking a direction to be issued to respondents No.1 & 2 to treat the service rendered by her in Education department of UP State between 20.09.1969 to 27.02.1992 as qualifying service for the purpose of pensionary benefits.

2. Pursuant to notice issued by this Tribunal, respondents No.1 & 2 have filed the reply, para 4.15 whereof reads as under:-

“That the contents of para 4.15 are wrong and denied. It is submitted that the respondent No.1 & 2 is ready to count the past service of the applicant rendered in the U.P Government as per the standing guidelines on the subject but unless & until the proper record of the applicant is received from the respondent No.4, respondent No.1 & 2 are not able to count the past services of the applicant. Rest of the para is wrong and denied.”

3. It clearly emerges from the reply filed by respondents No.1 & 2 that the claim of the applicant is not disputed. All what is said is that when the proper record of the applicant is received from No.4, the need shall be done.

4. In the circumstances mentioned above, we only direct respondent No.4 to forthwith transmit the record of the applicant to respondents No. 1 & 2

and that on receipt of the same the respondents No.1 & 2 would count the period of the applicant, as mentioned above, as service rendered in UP State towards her post retrieval benefits. Original Application is disposed of accordingly.”

The representative of respondent No. 3 and 4 appeared before us and produced certain documents. Ex-facie, the documents were not as per requirement of NDMC mentioned in Ref. No.3104/JA(P)/Edn.Estt.II dated 4.11.2010 which read thus:-

Sub:-Transfer of pensionary benefits.

Smt. Ganeshi Devi who was working as Asstt. Teacher in NDMC since 04.03.1992 has filed a writ petition in Hon'ble CAT regarding counting of her past service rendered in Distt. Basic Siksha Sdhikari, Ghaziabad during the period 09.09.1991 to 27.02.1992.

In view of the request of the official and to process the case for counting of her past service as per rules, the following documents are required:-

1. Original Service Book
2. Medical Certificate
3. Police verification
4. Last pay certificate

You are therefore, requested to provide the above mentioned documents and also required the leave salary & Pension Contribution to this office so that the request of Smt. Ganeshi Devi for Counting of her Past-Service for the above said period rendered in your Deptt. could be considered as per rules.”

2. In the wake, the Execution Application is disposed of with direction to respondents No. 3 and 4 to nominate their representative to report to Deputy Director (Education), NDMC, Palika Kendra with original record, after seeking prior

appointment from him within four weeks and on receipt of the record, the respondent No. 1 and 2 would take final decision regarding counting of service rendered by applicant with respondent No. 3 and 4, as qualifying service within 12 weeks.

MA stands disposed of. No cost.

(V.N.Gaur)
Member (A)

(A.K.Bhardwaj)
Member (J)

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