

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A.NO.3751 OF 2016
New Delhi, this the 13th day of February, 2018

CORAM:
HON'BLE SHRI RAJ VIR SHARMA, JUDICIAL MEMBER

.....

Subhash Chander Rabra,
Aged 67 years,
s/o late Sh.Krishan Lal Rabra,
Presently resident of M-45, Ridge Wood Estate,
Near Galaria, DLF-IV, Gurgaon (Har)..... Applicant

(By Advocate: Mr.Yogesh Sharma)

Vs.

1. Union of India, through the Secretary,
Ministry of Defence,
Department of Pension,
Govt. of India, North South Block, New Delhi.
2. The Directorate General,
Directorate General of Military Training/MT-17,
GS Branch, IHQ, MOD(Army),
DHQ PO, New Delhi-1
3. The Director (GS-II),
Ministry of Defence, Sena Bhawan,
New Delhi.
4. The Principal,
Ajmer Military School,
Ajmer (Raj)-305001
Respondents.

(By Advocate: Mr.A.K.Singh)

.....

ORDER

The applicant has filed this Original Application under Section 19 of the Administrative Tribunals Act, 1985, on 4.11.2016, seeking the following reliefs:

- “(i) That the Hon’ble Tribunal may graciously be pleased to pass an order declaring to the effect that the non considering the request of the applicant for granting pro-rata pension and not granting the same is totally illegal, arbitrary and against the rules and consequently, pass an order directing the respondents to grant the service pension to the applicant w.e.f. 28.6.1989 with all the consequential benefits including the arrears of pension with interest.
- (ii) Any other relief which the Hon’ble Tribunal deem fit and proper may also be granted to the applicants along with the costs of litigation.

2. Brief facts of the applicant’s case are that he was initially appointed on temporary basis to the post of Science Master in Government Senior Secondary School, Arayianwala Kalan, District-Faridkot (Punjab) under the Government of Punjab w.e.f. 6.8.1971 and his services were regularized w.e.f. 10.10.1974. While so serving, he responded to an advertisement issued by the Union Public Service Commission (UPSC) inviting applications from eligible candidates for selection and recruitment to the post of Master Gazetted (Economics) in the Military School under the Ministry of Defence, and made application for the same through proper channel. After his selection and appointment, he submitted his technical resignation. He was relieved from the service under the Government of Punjab on 28.4.1981. He joined as Master Gazetted (Economics) in the

Military School, Chail (Shimla Hills), under the Ministry of Defence on 30.4.1981. Subsequently, he was transferred to the Military School, Ajmer, where he joined on 8.12.1986. While so serving, he applied through proper channel for selection and recruitment to the post of Principal in Navodaya Vidyalaya Samiti (NVS), which is an autonomous organization under the Ministry of HRD, Government of India. On his selection and appointment, he tendered technical resignation which was accepted by the respondent-Department, vide letter dated 8.6.1989. He was relieved from the Military School, Ajmer, with effect from 27.6.1989. Thereafter, he joined as Principal, NVS, on 29.6.1989. After working for about 20 years, he retired from service of the NVS on 28.2.2009 on attaining the age of superannuation. His service under the NVS being non-pensionable, he is not getting pension on retirement. When he came to know about the provision of *pro rata* pension for his previous services rendered under the Government of Punjab and the Government of India, a representation dated 23.12.2015 (Annexure A/3) was made by him requesting respondent no.4 for granting him such *pro rata* pension by counting his services under the Government of Punjab and Government of India which were pensionable. Copies of the said representation dated 23.12.2015 were also sent by him to respondent nos. 1 to 3 and to the Principal, Government Senior Secondary School, Arayianwala Kalan, Dist. Faridkot and other authorities of the Government of Punjab. Instead of considering his representation for grant of *pro rata*

pension, respondent no.4, vide letter dated 5.3.2016 (Annexure A/5), only forwarded to him photocopy of his Service Book (from pages 01 to 13). Thereafter, the applicant made a representation dated 25.7.2016(Annexure A/2) requesting respondent nos. 1, 2 and 4 to consider his case and grant *pro rata* pension w.e.f. 28.6.1989 by taking into account his services under the respondent-Department and under the Government of Punjab. Respondent no.1, vide letter dated 24.8.2016 (Annexure A/1), forwarded the applicant's representation dated 25.7.2016 to respondent no.3 for consideration. There being no response, the applicant filed this O.A. on 4.11.2016 seeking the reliefs as aforesaid.

3. In support of his pleas that he was initially appointed on temporary basis to the post of Science Master in Government Senior Secondary School, Arayianwala Kalan, District-Faridkot (Punjab) under the Government of Punjab w.e.f. 6.8.1971 and his services were regularized w.e.f. 10.10.1974 and while so serving, he responded to an advertisement issued by the UPSC inviting applications from eligible candidates for selection and recruitment to the post of Master Gazetted (Economics) in the Military School under the Ministry of Defence and made his application for the same through proper channel; and that after his selection and appointment, he submitted his technical resignation and was relieved from the service under the Government of Punjab on 28.4.1981, the applicant has filed a copy the letter No.19116 dated 15.2.2016 (Annexure A/7) issued by

the Principal, Government Senior Secondary School, Arayianwala Kalan, Faridkot(Punjab), along with his O.A.

4. It has been asserted by the applicant that as he had put in 14 years, 6 months and 12 days of combined qualifying service under the Government of Punjab and under the Ministry of Defence, the respondent-Department ought to have granted him pension with effect from the date following the date of his resignation from the Military School, i.e., 29.6.1989. In support of his case, he has relied on Rules 14, 26(2) and 49 of the CCS (Pension) Rules, 1972 and instructions issued by the Government of India from time to time. In view of the clarification issued by the Government of India, vide letter dated 21.9.1960 and O.M. dated 17.6.1965, his resignation from the service under the Government of Punjab being a technical formality, he was entitled to the benefit of the said service. As per the instruction issued by the Government of India, vide O.Ms. dated 11.2.1988 and 31.5.1994, his resignation from the service under the Government of Punjab has to be treated as a technical resignation. In view of the provisions of Rule 14 of the CCS (Pension) Rules, 1972, the service rendered by him under the Government of Punjab was a qualifying service for the purpose of granting service pension. The allocation of leave salary and pension contribution between the Central Government and State Government having been dispensed by the Government of India, Ministry of Finance, vide O.M. dated 9.10.1986 and O.M. dated 5.12.1989, there was no

impediment for the respondent-Department to grant him pension by counting his service under the Government of Punjab together with the service under the respondent-Department. As per the Government of India's O.M. dated 13.11.1991, O.M. dated 31.3.1995, and O.M. dated 27.10.1997, resignation from Government service with a view to secure employment in a Central Public Enterprise with proper permission will not entail forfeiture of service for the purpose of retirement/terminal benefits, and in such cases, the Government servant shall be deemed to have retired from service from the date of such resignation and shall be eligible to receive all retirement/terminal benefits as admissible under the relevant rules applicable in his parent organization. It has also been clarified by the Government of India that "officer eligible for pension will be entitled to draw *pro rata* monthly pension and retirement gratuity as admissible under the relevant rules." As per Rule 49 of the CCS (Pension) Rules, 1972 and Government of India instructions, the minimum service required for grant of *pro rata* pension is 10 years, and w.e.f. 1.1.2006, the condition of granting *pro rata* pension has been dispensed with, and as per Government of India's O.M. dated 2.9.2008, in cases where the Government servant becomes entitled to pension on completion of 10 years of qualifying service, pension in those cases shall also be paid at 50% of the emoluments or average emoluments, which is more beneficial to the Government servant.

5. Resisting the O.A, the respondents have filed a counter reply.

The respondents have stated, *inter alia*, that the applicant's resignation from the State Government service cannot be considered as technical resignation as the State Government did not inform the Rashtriya Military School, Chail, where the applicant joined as Master Gazetted (Economics) on his selection and appointment through UPSC, about the applicant's previous service, if any. Copy of the applicant's technical resignation or the relieving order, if any, was also not forwarded by the Punjab Government to the said Rashtriya Military School. Thus, it is clear that the applicant did not take proper permission from the Government of Punjab to apply for his selection and appointment to the post of Master Gazetted (Economics) in the Rashtriya Military School. Had the applicant taken proper permission, the Government of Punjab would have definitely informed the Rashtriya Military School, Chail, of the applicant's resignation and forwarded the necessary documents to the said Rashtriya Military School. The Rashtriya Military School, Chaila, also does not have any record of service rendered by the applicant under Punjab Government. The record of service of the applicant available with the respondent-Department does not bear any entry of his previous service rendered under Punjab Government. During his service tenure with the Rashtriya Military School, the applicant did not submit any document of his previous service. The respondent-Department has not received any document from the Director of Education, Government of Punjab. The

applicant only submitted photocopy of a certificate dated 15.2.2016 issued by the Principal, Government Senior Secondary School, Arayianwala Kalan, Faridkot, along with his representation dated 28.7.2016. In view of the above, the applicant's claim for *pro rata* pension cannot be considered. The applicant has rendered only 8 years, 01 month and 29 days of service under the respondent-Department. Along with their counter reply, the respondents have filed photocopies of the relevant record of service of the applicant maintained by the Rashtriya Military School, Chail, where the applicant joined as Master Gazetted (Economics) on 30.4.1981 and of the relevant pages of the Service Book of the applicant maintained by the Rashtriya Military School, Chail, vide Annexure B and Annexure C to the counter reply, in support of the stand taken by them. It is, thus, claimed by the respondents that the O.A. is devoid of any merit and liable to be dismissed.

6. By filing a rejoinder reply, the applicant has refuted the stand taken by the respondents. Along with his rejoinder reply, the applicant, in support of his case, has filed photocopies of (1) a certificate Mp/15/2016 dated 6.2.2016 issued by the Principal, Government Senior Secondary School, Arayianwala Kalan, Faridkot; (2) two pages of Service Book maintained by the Government Senior Secondary School, Arayianwala Kalan, Kalan (Faridkot); (3) letter No.02-03/2008 dated 5.1.2008 addressed by the Principal, Government Senior Secondary School, Arayianwala Kalan, Faridkot, to the applicant; (4) letter dated 29.5.2009 addressed by the

Principal, Government Senior Secondary School, Arayianwala Kalan, Kalan, Faridkot, to the District Education Officer (S.E.), Faridkot; (5) letter No.767/81 dated 28.6.1982 addressed by the Head Master, Government Senior Secondary School, Arayianwala Kalan, Faridkot; and (6) letter No.A04/2008, dated 5.1.2008 addressed by the Principal, Government Senior Secondary School, Arayianwala Kalan, Faridkot, to the District Education Officer, Faridkot.

7. While refuting the stand taken by the applicant in his rejoinder reply, the respondents in their additional counter reply have asserted that the applicant has raised the issue of his technical resignation from the service and counting of service under Punjab Government only in the year 2016, i.e., after 35 years of his joining the Rashtriya Military School in 1981. Therefore, the O.A. is liable to be dismissed as being barred by limitation.

8. I have carefully perused the materials available on record and have heard Mr.Yogesh Sharma, learned counsel appearing for the applicant, and Mr.A.K.Singh, learned counsel appearing for the respondents.

9. Before advertiring to the facts of the case, it would be apposite to deal with the relevant provisions of the CCS (Pension) Rules, 1972 and orders issued by the Government of India in the matter of technical resignation by Government employee and counting of previous service for the purpose of granting retirement benefits to such Government employee.

10. Rule 13 of the CCS (Pension) Rules, 1972, stipulates, *inter alia*, that subject to the provisions of the Rules, qualifying service of a Government servant shall commence from the date he takes charge of the post to which he is first appointed either substantively or in an officiating or temporary capacity, provided that officiating or temporary service is followed without interruption by substantive appointment in the same or another service or post. Rule 14 of the CCS (Pension) Rules, 1972, stipulates that the service of a Government servant shall not qualify unless his duties and pay are regulated by the Government, or under conditions determined by the Government. The expression “service” means service under the Government and paid by that Government from the Consolidated Fund of India or a Local Fund administered by that Government but does not include service in a non-pensionable establishment unless such service is treated as qualifying service by that Government. In the case of a Government servant belonging to a State Government, who is permanently transferred to a service or post to which the Rules apply, the continuous service rendered under the State Government in an officiating or temporary capacity, if any, followed without interruption by substantive appointment, or the continuous service rendered under that Government in an officiating or temporary capacity, as the case may be, shall qualify. Rule 26(2) of the CCS (Pension) Rules, 1972, stipulates that a resignation shall not entail forfeiture of past service if it has been submitted to take up, with proper permission, another

appointment, whether temporary or permanent, under the Government where the service qualifies. Rule 49(2) (a) of the CCS (Pension) Rules, 1972, as it stood at the relevant point of time, stipulated, *inter alia*, that in the case of a Government servant retiring in accordance with the provisions of these rules after completing qualifying service of not less than thirty-three years, the amount of pension shall be calculated at fifty per cent of average emoluments. Rule 49(2)(b) of the CCS (Pension) Rules, 1972, as it stood at the relevant point of time, stipulated, *inter alia*, that in the case of a Government servant retiring in accordance with the provisions of these rules before completing qualifying service of thirty-three years, but after completing qualifying service of ten years, the amount of pension shall be proportionate to the amount of pension admissible under Clause (a).

11. As per the decisions taken by the Government of India, vide Ministry of Finance, letter No.35(15)-E.V/60, dated 21.9.1960, and O.M.No.3379-E.III(b)/65, dated 17.6.1965, in cases where Government servants apply for posts in the same or other departments through proper channel, and, on selection, they are asked to resign the previous posts for administrative reasons, the benefit of past service may, if otherwise admissible under rules, be given for purpose of fixation of pay in the new post treating the resignation as a 'technical formality, and the pay in such cases may be fixed under FR 27.

11.1 As per the instructions issued by the Government of India, vide DoP&T's O.M. No.28034/25/87-Estt.(A), dated 11.2.1988, a Government servant who has been selected for a post in a Central Public Enterprise/Central Autonomous Body may be released only after obtaining and accepting his resignation from the Government service. Resignation from Government service with a view to secure employment in a Central Public Enterprise with proper permission will not entail forfeiture of the service for the purpose of retirement/terminal benefits, and, in such cases, the Government servant concerned shall be deemed to have retired from service from the date of such resignation and shall be eligible to receive all retirement terminal benefits as admissible under the relevant rules applicable to him in his parent organization.

11.2 In terms of the decisions/clarifications contained in the Government of India, Ministry of Finance, Controller General of Accounts, O.M.No.14(5)/86/TA/1029, dated 9.10.1986, and O.M. No.14(5)/86/TA/1112, dated 5.12.1989, the allocation of leave salary and pension between Central and State Governments has been dispensed with.

11.3 As per the decision taken by the Government of India, vide DoP&T's O.M.No.28016/5/85-Estt.(C) dated 31.1.1986, before its modification through the Department of Pension and Pensioners' Welfare, O.M.No.4/15/88-P&PW(D) dated 13.11.1991, O.M.No.4/42/91-P&PW(D) dated 31.3.1995, and O.M.No.45/86/97-P&PW (A) Part-I, dated 27.10.1997,

resignation from Government service with a view to secure employment in a Central Public Enterprise with proper permission will not entail forfeiture of the service for the purpose of retirement/terminal benefits, and, in such cases, the Government servant concerned shall be deemed to have retired from service from the date of such resignation and shall be eligible to receive all retirement/terminal benefits as admissible under the relevant rules applicable to him in his parent organization.

12. A combined reading of the above relevant provisions of the CCS (Pension) Rules, 1972 and the instructions issued by the Government of India makes it clear that pensionable service of a State Government servant can be treated as qualifying service under Central Government for the purpose of retirement benefits, provided such State Government servant secures employment under Central Government with proper permission from State Governments and tenders resignation from service under State Government, and his resignation is duly accepted and he/she is relieved from State Government service.

13. As already noted, the applicant, in support of his plea that he was initially appointed on temporary basis to the post of Science Master in Government Senior Secondary School, Arayianwala Kalan, District-Faridkot (Punjab) under the Government of Punjab w.e.f. 6.8.1971 and his services were regularized w.e.f. 10.10.1974 and, while so serving, he responded to an advertisement issued by the UPSC inviting applications from eligible

candidates for selection and recruitment to the post of Master Gazetted (Economics) in the Military School under the Ministry of Defence and made his application for the same through proper channel, and that after his selection and appointment, he submitted technical resignation and was relieved from service of Government of Punjab on 28.4.1981, the applicant has filed copies of the following documents:

- (1) Certificate No.15/2016, dated 6.2.2016 issued by the Principal, Government Senior Secondary School, Arayianwala Kalan, Faridkot(Punjab) (Annexure A/11 to rejoinder reply);
- (2) Letter No.19116 dated 15.2.2016 (Annexure A/7) issued by the Principal, Government Senior Secondary School, Arayianwala Kalan, Faridkot(Punjab) (Annexure A/7 to O.A.);
- (3) Two pages of Service Book maintained by the Government Senior Secondary School, Arayianwala Kalan, Faridkot (Annexure A/12 to rejoinder reply);
- (4) Letter No.02-03/2008 dated 5.1.2008 addressed by the Principal, Government Senior Secondary School, Arayianwala Kalan, Faridkot, to the applicant (Annexure A/13 to rejoinder reply);

(5) Letter dated 29.5.2009 addressed by the Principal, Government Senior Secondary School, Arayianwala Kalan, Faridkot, to the District Education Officer (S.E.), Faridkot Annexure A/14 to rejoinder reply);

(6) Letter No.767/81 dated 28.6.1982 addressed by the Head Master, Government Senior Secondary School, Arayianwala Kalan, Faridkot (Annexure A/15 to rejoinder reply); and

(7) Letter No.A04/2008, dated 5.1.2008 addressed by the Principal, Government Senior Secondary School, Arayianwala Kalan, Faridkot, to the District Education Officer, Faridkot (Annexure A/16 to rejoinder reply).

13.1 In the Certificate No.15/2016 dated 6.2.2016, it has been certified by the Principal, Government Senior Secondary School, Arayianwala Kalan, Faridkot, that the applicant had served as a Science Master in the said school on regular basis w.e.f. 10.10.1974 to 28.4.1981 in the pay scale of Rs.620-1200/- and his basic pay as on 28.4.1981 was Rs.750/-. His service on regular basis was 6 years, 6 months and 18 days. Prior thereto, the applicant had also served as a Science Master on temporary basis with break w.e.f. 6.8.1971 to 9.10.1974 (3 years 2 months and 3 days). On his selection as Master Gazetted (Economics) in Military School, Chail(Shimla Hills) through UPSC, the applicant submitted his technical

resignation and was relieved on 28.4.1981. He was not paid retirement benefits for the said service.

13.2 In letter No.19116 dated 15.2.2016 issued by the Principal, Government Senior Secondary School, Arayianwala Kalan, Faridkot, addressed to the Principal, Rashtriya Military School, Ajmer, it has been intimated that as per available records, the applicant had served as a Science Master on temporary basis for 3 years 2 months and 3 days in different Government Middle/High Schools under Education Department from 5.8.1971 to 9.10.1974 and as a Science Teacher in said Government Senior Secondary School for 6 years and 18 days on regular basis from 10.10.1974 to 28.4.1981. On being selected as Master Gazetted in Military School through UPSC, the applicant submitted his resignation and was duly relieved of his duties on 28.4.1981, and that while applying for the said post he had informed the Department in writing. For the above period of service under the Education Department of Government of Punjab, he has not been paid pension benefits.

13.3 Out of the two pages of the Service Book, one page mentions the details of identity of the applicant, and the second page contains some entries regarding applicant's pay fixation and sanction of leave during the year 1980.

13.4 The letter No.02-03/2008 dated 5.1.2008 addressed by the Principal, Government Senior Secondary School, Arayianwala Kalan,

Faridkot, to the applicant, appears to have contained an information that GPF with interest amounting to Rs.3032/- was received from the A.G., Punjab & Chandigarh (A&E) through a letter dated 20.6.2007 and directive from the DEO, Punjab, was sought by the said Principal.

13.5 Letter dated 29.5.2009 was addressed by the Principal, Government Senior Secondary School, Arayianwala Kalan, Faridkot, to the District Education Officer (S.E.), Faridkot, stating that the applicant was not paid pension, gratuity and leave encashment benefits as he had submitted his resignation from service on 28.4.1981.

13.6 In the letter No.767/81 dated 28.6.1982 addressed by the Head Master, Government Senior Secondary School, Arayianwala Kalan, Faridkot, to the District Education Officer, Faridkot, it is mentioned that on his selection and appointment as Master Gazetted (Economics) in Military School, though the applicant applied for maintaining his lien, yet no communication was received by the said Head Master, and, therefore, the applicant was relieved on his depositing one month's salary in the District Treasury, Faridkot.

13.7 Letter No.A04/2008, dated 5.1.2008 addressed by the Principal, Government Senior Secondary School, Arayianwala Kalan, Faridkot, to the District Education Officer, Faridkot, whereunder guidance has been sought by the said Principal as to whether the GPF with interest amounting to Rs.3032/- was to be paid to the applicant.

14. The applicant has not produced/filed copies of (1) his application to the appropriate authority in the Education Department, Punjab Government, seeking permission to apply to the UPSC for selection and recruitment to the post of Master Gazetted (Economics) in the Rashtriya Military School; (2) the letter issued by appropriate authority in the Education Department, Punjab Government, forwarding the applicant's application and permitting him to appear in the recruitment examination conducted by the UPSC for selection and recruitment to the post of Master Gazetted (Economics) in the Rashtriya Military School; (3) the technical resignation letter submitted by him resigning from service of the Punjab Government; and (4) the order issued by the competent authority of the Education Department in the Punjab Government relieving the applicant from the service of the Punjab Government to join the service as Master Gazetted (Economics) in the Rashtriya Military School on his selection and appointment through UPSC either before the respondent-Department or before this Tribunal.

15. The applicant has also not produced either before the respondent-Department or before this Tribunal the copies of (1) the order issued by the authority in the Punjab Government temporarily appointing him to the post of Science Master, and (2) the order issued by the authority in the Punjab Government regularizing his services as Science Master in the Government Senior Secondary School, Arayianwala Kalan, Faridkot.

16. The two pages of service book of the applicant, which have been filed by him, do not bear entries with regard to the order and date of order on the basis of which he was appointed as a Science Master and the date of his joining the service as Science Teacher under the Education Department of the Punjab Government on temporary or regular basis, the date of acceptance of his resignation from the service under the Punjab Government, the date of his release from the service under the Punjab Government, etc.

17. There is no mention in the relevant pages of the Service Book maintained by the Rashtriya Military School, Chail, (Annexure B and Annexure C) about any previous service rendered by the applicant under the Government of Punjab. There is also no mention about the fact that prior to his joining the Rashtriya Military School, Chail, the applicant served as a Science Master under the Punjab Government, and that he resigned from the said service and was relieved by the competent authority of the Punjab Government. It is the assertion of the respondent-Department that had the applicant applied through proper channel for appearing in the recruitment examination conducted by the UPSC for selection and recruitment to the post of Master Gazetted (Economics) and tendered his resignation on his selection and appointment to the said post, and had he been relieved from service under the Punjab Government, the appropriate authority in the Punjab Government would have informed and forwarded all the relevant

documents including his Service Book to the Rashtriya Military School, Chail, soon after the applicant's joining as Master Gazetted (Economics) in the Rashtriya Military School. It has also been asserted by the respondent-Department that the applicant also did not inform the Rashtriya Military School, Chail, about any previous service under the Punjab Government either at the time of his joining or till the date his resignation was accepted and he was relieved by the Rashtriya Military School on 27.6.1989 to enable him to join as Principal in NVS. The applicant has also not explained either before the respondent-Department or before this Tribunal as to why he did not raise the present issue soon after the date of his joining as Master Gazetted (Economics) in the Rashtriya Military School in the year 1981 and also soon after he was relieved by the Rashtriya Military School on his selection and appointment as Principal in NVS in June 1989.

18. In the above view of the matter, and on the basis of the copies of the documents produced before this Tribunal, which have been discussed in paragraphs 13 of this order, the applicant cannot be said to have substantiated his plea that he was initially appointed on temporary basis to the post of Science Master in Government Senior Secondary School, Arayianwala Kalan, District-Faridkot (Punjab) under the Government of Punjab w.e.f. 6.8.1971 and his services were regularized w.e.f. 10.10.1974, and while so serving, he responded to an advertisement issued by the UPSC inviting applications from eligible candidates for selection and recruitment

to the post of Master Gazetted (Economics) in the Military School under the Ministry of Defence and made his application for the same through proper channel; and that after his selection and appointment, he submitted his technical resignation and was relieved from the service under the Government of Punjab on 28.4.1981. Furthermore, the applicant has also not impleaded the Government of Punjab or the Principal, Government Senior Secondary School, Arayianwala Kalan, District-Faridkot (Punjab) under the Government of Punjab, as party-respondent in the present proceedings.

19. On the facts and in the circumstances of the case, it is found that cause of action, if any, arose in the year 1981 when he joined the Rashtriya Military School, and in the year 1989 when he was relieved by the Rashtriya Military School to join as Principal in NVS, whereas the applicant only for the first time made a representation in the year 2015, i.e., after 34 years of his joining the Rashtriya Military School and after 26 years of his release from the Rashtriya Military School. Therefore, I have found considerable force in the contention of the respondent-Department that the claim of the applicant is clearly hit by the doctrine of delay and laches.

20. In the light of what has been discussed above, I have no hesitation in holding that the claim of the applicant is hit by the doctrine of delay and laches, and that the applicant has also not been able to make out a case for the reliefs claimed by him in the O.A.

21. Accordingly, the O.A. is dismissed as being hit by the doctrine of delay and laches, and as being devoid of merit. No costs.

**(RAJ VIR SHARMA)
JUDICIAL MEMBER**

AN