

Central Administrative Tribunal
Principal Bench
New Delhi

O.A.No.4306/2016

Order Reserved on: 02.01.2017
Order pronounced on 04.01.2017

Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Shri V. N. Gaur, Member (A)

Suchinder Lal Arora (Aged about 63 years)
Retd. as AE (Civil)
Son of Sh. Shori Lal
R/o A-101, Shakti Apartment, Sec.09
Rohini, New Delhi-09. ... Applicant

(By Advocate: Sh. S.N.Sharma)

Versus

1. The Chairman, DDA
B-Block, Vikash Sadan
I.N.A., New Delhi – 110 023.
2. The Director,
DDA, (Personnel Branch)-I
Eng., B-Block, 3rd Floor, Vikash Sadan
I.N.A., New Delhi – 110 023. ... Respondents

ORDER

By V. Ajay Kumar, Member (J):

Heard the learned counsel for the applicant.

2. The applicant, a retired Assistant Engineer (Civil), filed the OA, seeking the following relief(s):

“(a) Quash the impugned reply/order dt.2.12.2016 and 10.3.2016.

(b) Direct the respondents to count the past service of the applicant from the period 28.6.1975 to 10.10.1980 for grant of pensionary benefits.

(c) Pass any other/further orders which deem fit and proper in the interest of justice.”

3. The brief facts of the case, as narrated in the OA, are that the applicant had worked as Supervisor (Civil) in Salal Hydro Electric Project, Jyoti Puram, under the management of National Hydro-Electric Power Corporation Limited (NHPC), New Delhi, w.e.f. 28.06.1975 to 10.10.1980.

4. Thereafter, the applicant was appointed as Junior Engineer (Civil), in the respondent - Delhi Development Authority (in short, DDA), w.e.f. 15.11.1980. Finally, he retired from the service of the respondent-DDA w.e.f. 30.06.2014, on attaining the age of superannuation.

5. It is submitted that the applicant requested the respondents, even before his retirement, to count his past service in NHPC, i.e., the period from 28.06.1975 to 10.10.1980 for grant of pensionary benefits, but in vain. After his retirement, the applicant made Annexure A5-Representation, dated 24.08.2015, for counting of his past service. The respondents, vide their letter dated 10.03.2016, rejected the claim of the applicant by stating that “as per Certificate issued by EE/Power House Division, Jyoti Puram, J&K, the applicant had worked in their Department from 28.06.1975 to 10.10.1980 but

the applicant had joined in DDA on 15.11.1980 (FN), thus there is break in joining the service in DDA."

6. Not satisfied with the said reply dated 10.03.2016, the applicant got issued a legal notice which was answered by the respondent-DDA vide the impugned Annexure A1 dated 02.12.2016, by reiterating the same reason for rejecting the claim of the applicant for counting of his past service in NHPC.

7. The learned counsel for the applicant strenuously submitted that the NHPC issued the Annexure A4- Relieving Certificate on 13.11.1980 and since the applicant joined in the respondent-service on 15.11.1980, there was no break in the service and, hence, he is entitled for counting of his past service rendered in NHPC.

8. The Annexure A4 dated 13.11.1980, on which the applicant places heavy reliance, reads as under:

"*TO WHOM IT MAY CONCERN*

Certified that Shri Suchinder Lal Arora S/O Sh. Shori Lal Arora has worked in Salal Hydro Electric Project, Jyotipuram Under the Management of National Hydro-Electric Power Corporation Ltd. (NHPC), New Delhi as Supervisor (Civil) in the pay scale of Rs.425-700 with effect from 28.6.1975 to 10.10.1980. He has left his services by serving one month advance notice, as required under rules.

As far this organization is concerned, it is certified that he is no more employee of this organization."

9. The aforesaid Annexure A4 was not a relieving order, as claimed by the applicant. On the other hand, the same specifically stated that the relationship of employer and employee between NHPC and the applicant came to an end, on 10.10.1980 itself. Neither in any of the

representations/legal notices of the applicant, nor in the present OA, the applicant able to explain about the nature of the intervening period, of about 45 days, i.e., from 10.10.1980 (i.e., the date of his relief from NHPC) to 15.11.1980 (i.e., the date of joining in DDA). It is also not his case that he worked in NHPC till 14.11.1980 and was finally relieved on the said date. No valid reasons are forthcoming from the applicant about the said break period. It is also not his case that he sought permission from the DDA, to join on 15.11.1980, though he was relieved from NHPC on 10.10.1980. The applicant also failed to show any rule or provision of law in support of his case.

10. In the circumstances and for the aforesaid reasons, we do not find any merit in the OA and accordingly, the same is dismissed. No costs.

(V. N. Gaur)
Member (A)

(V. Ajay Kumar)
Member (J)

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