

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00380/2016

Wednesday, this the 11th day of April, 2018

CORAM:

Hon'ble Dr. K.B. Suresh, Judicial Member

K.R.K. Menon,
Aged 64 years, S/o. Late U.P.K. Menon,
Retired Chief Financial Officer,
Centre for Development of Advanced Computing (C-DAC),
Vellayambalam, Thiruvananthapuram – 695 033.,
Residing at VII/6B, “Sreelakam”,
Edayappuram, Aluva – 683 101. **Applicant**

(By Advocate – Mr. T.C. Govindaswamy)

V e r s u s

- 1 Centre for Development of Advanced Computing (C-DAC),
Vellayambalam, Thiruvananthapuram – 695 033,
Represented by its Executive Director.
- 2 The Director General,
Centre for Development of Advanced Computing,
Agriculture College Campus,
Near District Industries Centre,
Shivaji Nagar, Pune – 411 005.
- 3 Steel Industries Kerala Limited (SILK),
Athani P.O., Thrissur – 680 771,
Represented by its Managing Director. **Respondents**

**(By Advocate – Mr. N. Anilkumar, Sr. PCGC (R1&R2)
Mr. Joseph Sebastian, Mrs. Latha Krishnan &
Mr. Vishnu S. (R3))**

This Original Application having been heard on 11.04.2018, the
Tribunal on the same day delivered the following:

ORDER

Per: Dr. K.B. Suresh, Judicial Member

Heard. The applicant while working in a Kerala Public Sector
undertaking was appointed to C-DAC on 31.03.2006. He was later absorbed

in C-DAC and the prorata terminal benefits to the applicant from the period from 18.06.1990 to 30.06.2007 was remitted to the C-DAC but on this C-DAC was not having appropriate instructions in the matter and within one month it was returned to the applicant who had taken it without demur.

2. Apparently, the DoPT had issued a circular which I now quote below:

“To

The Chief Secretaries of all the State Governments

Subject: Counting of service for purpose of Pension of employees of Central Government and Central Autonomous Bodies seeking absorption in Autonomous Bodies under the state Governments and vice-versa.

Sir,

I am directed to say that in August, 1984, Central Government had issued orders that where a Central Government employee borne on pensionable establishment is allowed to be absorbed in a Central Autonomous Body having a pension scheme of its own, the service rendered by him under the Government shall be allowed to be counted towards pension under the Autonomous Body irrespective of whether the employees was temporary or permanent in Government, subject to certain conditions. The same procedure will apply in the case of employees of the Autonomous Bodies who are permanently absorbed under the Central Government. Certain employees of the State Governments and State Autonomous Bodies, who joined the Central Autonomous Bodies/Statutory Bodies, have also represented that their service under the State Government/State Autonomous Body may be allowed to be counted towards pension under Central Autonomous Body where they are presently working. Similarly, certain Central Government servants and employees of the Central Autonomous Bodies/Statutory Bodies might have joined Autonomous Bodies/Statutory Bodies (excluding public undertakings) of the State Governments and may be desirous of getting the benefit of counting of service under Central Government/Autonomous Bodies towards pension in the organisations where they are presently working.

2. In the circumstances explained above, it was felt that reciprocal arrangements may be entered into with the various State Governments to the effect that where employees of the State Governments/State Autonomous Bodies/State Statutory Bodies, have been absorbed in the Central Autonomous Bodies, they may be allowed the same benefits as have been extended to the Central Government servants and vice-versa.

3. The question of extension of various benefits like counting of service etc. in the case of (i) employees of Central Government absorbed in State Autonomous Bodies and (ii) employees of Central Autonomous Bodies absorbed in State Governments and State Autonomous Bodies, and vice-versa has been considered in consultation with the State Governments. After careful

consideration, the President has now been pleased to decide that these cases may be decided in accordance with the principles as laid down in the Department of Personnel and Administrative Reforms OM No. 28/10/84-Pension unit dated 29-8-84 (copy enclosed). The cases of Central Government servants appointed in State Governments and vice-versa will continue to be decided as hitherto.

4. Similar orders regarding counting of service of the Central Government employees in the event of their absorption in the State Autonomous Bodies and employees of the Central Autonomous Bodies in the State Governments, and State Autonomous Bodies as well as orders regarding acceptance of pension liability etc. in respect of State Government and State Autonomous Bodies, employees absorbed in Central Autonomous Bodies and employees of State Autonomous Bodies absorbed in Central Government will be issued by the respective State Governments.

5. These orders shall apply to employees of the State Governments and State Autonomous Bodies moving to Central Government/Central Autonomous Bodies in respect of the State Governments listed below:-

- | | |
|--------------------|-----------------------|
| (1) Karnataka | (8) Uttar Pradesh |
| (2) Madhya Pradesh | (9) Bihar |
| (3) Punjab | (10) Gujarat |
| (4) Rajasthan | (11) Assam |
| (5) Sikkim | (12) Meghalaya |
| (6) Tripura | (13) Himachal Pradesh |
| (7) West Bengal | |

These orders shall be extended to the employees of other State Governments as and when they agree to similar reciprocal arrangements.

6. These orders will apply to the employees of the Central Government moving in State Autonomous Bodies and employees of Central Autonomous Bodies to the State Governments and their Autonomous Bodies mentioned in para-5 above and vice-versa who are in service on the date of issue of these orders, irrespective of the date of their absorption.

7. So far as persons serving in the Indian Audit and Accounts Department are concerned, these issue after consultation with the comptroller and Auditor General of India.

Yours faithfully,

Sd/-
(HAZARA SINGH)"

3. The learned counsel for the respondents would say that Annexure A4 was issued earlier and the paragraph 3 of the said circular had been made applicable in the case of persons on deputation from the State Government or State Public Sector undertaking to Central Government Autonomous bodies as the case may be. We quote herewith from the said circular dated 29.08.1984 the crucial paragraph is the paragraph No. 3 wherein, the

President was pleased to observe and direct that the conditions as applied to Central Government employees going out to Central Autonomous bodies or vice-versa will be applicable herein also.

4. Therefore how to resolve this issue now. I had discussed this with both the counsel.

(1) The applicant will remit back to the C-DAC the proportionate amount which had to be deposited along with an interest of 6% from the date of its receipt from C-DAC to the date of payment within one month next.

(2) The Respondents will commence appropriate steps to regulate and modulate the applicant's DCRG in accordance with the above declaration made by the President of India as in Annexures A4 and A5.

5. The benefit thereof may be made available to the applicant within three months next. OA is allowed as above. No costs.

(Dr. K.B. SURESH)
JUDICIAL MEMBER

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List of Annexures of the Applicant

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| Annexure A-1 | - | True copy of the Letter No. ED/CDAC(T)/52-6/2015 dated 4 th December, 2015 issued on behalf of the 1 st respondent. |
| Annexure A-2 | - | True copy of the order passed by this Hon'ble Tribunal in OA No. 916/2012 dated 30.09.2015. |

- Annexure A-3 - True copy of the representation dated 03.11.2015 submitted by the applicant before the 1st respondent.
- Annexure A-4 - True copy of the Government Order bearing No. 28/10/84-Pension Unit dated 29.08.1984 issued by the Government of India, Department of Personnel and Training.
- Annexure A-5 - True copy of the DOPT Orders bearing Nos. 28/10/84-PU-Volume-I dated 12.09.1985.
- Annexure A-5(a) - True copy of the Letter No. 28(10)84-P&PW.VI.II dated 07.02.1986 issued by the Deputy Secretary to the Government of India.
- Annexure A-5(b) - True copy of the Letter No. 28/10/84-P&PW.VI.II dated 30.10.1986 issued by the Deputy Secretary to the Government of India.
- Annexure A-5(c) - True copy of the Office Memorandum No. 4(12)/85-P&PW dated 31.03.1987 issued by the Under Secretary to the Government of India.
- Annexure A-5(d) - True copy of the Office Memorandum No. 4(12)/85-P&PW dated 31.03.1987 issued by the Under Secretary to the Government of India.

List of Annexures of the Respondent Nos. 1 & 2

- Annexure R1 - True copy of the Letter dated 11.05.2009.
