

**Central Administrative Tribunal
Madras Bench**

OA 310/01335/2015

Dated Thursday the 20th day of December Two Thousand Eighteen

P R E S E N T

Hon'ble Mr. R.Ramanujam, Member(A)

T. Sargunan
10/2 Saraswathi puram
2nd Street, Chrompet
Chennai. .. Applicant

By Advocate M/s. V. Vijay Shankar

Vs.

1. The Union of India
Rep. by the Director General
Office of the Directorate General of Health Services
(Leprosy Section) Nirman Bhavan, New Delhi.
2. The Director
Central Leprosy Teaching and Research Institute
Chengalpet. .. Respondents

By Advocate Mr. K. Rajendran

ORAL ORDER

Pronounced by Hon'ble Mr. R. Ramanujam, Member(A)

Since the applicant is no more, the name of her legal heir Mr. Surgunam has been substituted. The applicant had filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“To call for the records of the 2nd respondent in its No. F2(41)E1/Court Case/2014 dated 25.2.2015 and quash the same and direct the respondents to count the applicant's service from 12.6.1979 upto 8.6.1992 for pay fixation and pension and other terminal benefits and pass such other order or orders as may be deemed fit and thus render justice.”

2. The grievance of the applicant was that the applicant's request for counting of past services rendered as LDC w.e.f. 12.06.1979 on adhoc basis in the 2nd respondent institute till 28.02.1982, the services in the temporary ICMR Unit setup at the same institute as LDC from 01.03.1982 till 20.08.1986, services as UDC from 21.07.1986 to 31.03.1989 and the subsequent services rendered to World Health Organisation aided temporary project THELEP attached to the second respondent institute from 03.04.1989 till 08.06.1992 had not been counted for pension purposes on the ground that when she was finally taken on regular establishment in the second respondent institute w.e.f. 09.06.1992, it was a condition of her appointment that she would not be entitled to the benefit of past services rendered in various ICMR/THELEP Projects at the second respondent institute for the purpose of leave protection and pension etc.

3. Learned counsel for the applicant would submit that the applicant had sought to rely upon the precedent case of one M. Thiagarajan who was identically placed as the applicant, to whom relief was granted by this Tribunal by an order dated 28.04.2000 in TA No. 6/1999 and an order dated 31.08.2000 in TA 4/1999. As such, the applicant could not be discriminated against, it is alleged.

4. The respondents have filed a reply contesting the claim of the applicant inter alia pointing out that the applicant had not provided detailed information or any material evidence regarding the order passed by this Tribunal in TA No. 4 and 6/1999 and also the confirmation of the above said order by the higher courts concerned in respect of the said M. Thiagarajan, who according to the applicant was allowed to count his past services rendered in ICMR for pay protection and pension purposes.

5. Learned counsel for the applicant produces a copy of the orders passed by this Bench in the case of said Thiagarajan as also the copy of the order passed by the Hon'ble Madras High Court dated 23.07.2004 in WP No. 15818 and 18691/2000. Further copy of the order of the Hon'ble Apex Court in Civil Appeal No. 1373/2007 dated 19.04.2011 is also produced along with the submission that the applicant is accordingly entitled to be considered for a similar benefit. It is submitted copies of the order are being handed over to the counsel for the respondents shortly. It is also urged by the learned counsel for the applicant that since the applicant in the OA had died and the matter is being pursued by her husband who is a senior citizen the matter may be considered sympathetically.

6. I have considered the matter. It appears that the precedent case of the said Thiagarajan had not been raised by the applicant in his representation to the respondents earlier. Further, even after filing this OA wherein the said case is referred to, the respondents have pleaded that details of the case were not available with them and the applicant has not produced copies of the orders passed in the cases. As such, now that the details have been provided, I am of the view that the ends of justice would be met in this case if the respondents reviewed the impugned order dated 25.02.2015 in the light of the orders passed by this Tribunal and the Hon'ble Madras High Court in the aforesaid case, if applicable and pass a reasoned and speaking order. Accordingly the respondents are directed to re-consider their decision with regard to the applicant and pass fresh orders within a period of three months from the date of receipt of copy of this order.

7. OA is disposed of as above. No costs.

(R.Ramanujam)
Member (A)
20.12.2018

AS