

Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.2994/2019

Thursday, this the 10th day of October 2019

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)

Chandragupta Shaurya
Aged about 44 years
s/o late Sh. Ram Naresh Singh
working as Under Secretary, Group A
Regional Rural Bank Division
Department of Financial Services
Ministry of Finance, New Delhi – 110 001
Resident of M-301, Third Floor
BPTP Part Floor-1, Sector 77
PO Nimka, Faridabad 121004 (Haryana)

..Applicant

(Mr. D K Bhai and Mr. Duli Chand, Advocates)

Versus

1. Union of India through Secretary
Ministry of Finance
Department of Economic Affairs
South Block, New Delhi – 110 001
2. National Savings Commissioner
National Savings Institute
ICCW Building
Deendyal Updhyaya Marg
Delhi – 110 002

..Respondents

(Ms. Neelima Rathore, Advocate)

O R D E R (ORAL)

Justice L. Narasimha Reddy:

The applicant was selected as Assistant by the Staff
Selection Commission in the year 1999 and was allotted to the

Office of the Regional Director, National Savings Organisation (NSO), Orissa Region, Cuttack. He joined the Office of Deputy Regional Director, NSO, Rourkela, Orissa on 26.07.2000. Thereafter, he applied for the post of Assistant in the Ministry of Health & Family Welfare (MoHFW). On being selected to that post, he submitted his resignation in NSO. That was accepted and through a communication dated 14.10.2003, the applicant was informed that his services in the NSO cannot be counted since he did not submit his application for the post of Assistant in the MoHFW through proper channel or with an intimation to the NSO. That was reiterated through order dated 12.12.2003.

2. The applicant made a representation on 20.12.2018 to the Regional Director, National Savings Institute (NSI), Kolkata, with a request to count his service rendered in that organisation. Through a reply dated 26.04.2019, the said authority rejected the request of the applicant.

This O.A. is filed challenging the orders dated 10.12.2003, 12.12.2003 and various other orders, the latest being the one dated 26.04.2019.

3. The applicant contends that since the NSO is also a government agency, the service rendered therein needs to be counted along with the service rendered in the present organization, i.e., MoHFW.

4. We heard Mr. D K Bhai, learned counsel for applicant and Ms. Neelima Rathore, learned counsel for respondents, at the stage of admission itself.

5. The applicant was initially appointed as Assistant in NSO in the year 2000. Three years thereafter, he got selected as Assistant in the MoHFW. There exists a procedure in the Government that whenever an employee serving in one Department intends to apply for the post in another Department, an application is required to be sent through proper channel and certain undertakings are required to be given. It appears that the applicant did not keep the NSO informed when he sought appointment in the MoHFW. The resignation submitted by him was accepted by the NSO and the matter pertaining to counting of service was clearly mentioned in the communication dated 14.10.2003. It reads as under:-

“In reference with your letter dated, 29-09-2003 regarding resignation from the post of D.S.O., N.S., Rourkela and in pursuance with the contents of Dy. National Savings Commissioner’s letter No.14698/PF/II-14175 Dated, 30th September, 2003 and in continuation to the telephonic discussion had with the undersigned to day on 14th October, 2003 regarding extension of your joining time till 08th December, 2003 as ‘assistant’ under the

Ministry of Health and Family Welfare, New Delhi, this is to mention here that as per provision you have to submit a clear and unconditional resignation showing the date of effect of such resignation addressed to the National Savings Commissioner, Nagpur and send the same in duplicate to this Office for onward transmission of the same to the National Savings Commissioner, Nagpur.

Further, as you have not intimated the Office about your application (through Staff Selection Commission) for appointment to the post of 'assistant', immediate after your joining as Distt. Savings Officer, National Savings, your services as Dstt. Savings Officer will not count for pensionary benefit or any other terminal benefits."

This was repeated in the order dated 12.12.2003. The relevant portion reads:

"Whereas, Shri Chandragupta Kumar Singh, DSO, NS, Rourkela had not intimated to the Authority concerned regarding his application to the post of 'Assistant' immediate after his joining as DSO, NS, Rourkela, Shri Chandragupta Kumar Singh, Distt. Savings Officer, National Savings, Rourkela will not be entitled to the benefit of his service rendered by him in the National Savings Organisation, including pension, as per rule 3 of Rule 14 of CCS (Pension) Rules, 1972."

6. In case the applicant felt aggrieved by the decision communicated in the proceedings referred to above, he was supposed to pursue the remedies, at the relevant point of time. The mere fact that he went on corresponding with the Department leading to the recent communication does not keep the issue alive. In this context, reference can be made to the judgment of the Hon'ble Supreme Court in **Union of India & others v. M K Sarkar**, (2010) 2 SCC 59.

7. We do not find any merit in this O.A. It is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

October 10, 2019

/sunil/

