

(2012) 03 JH CK 0130
In the Jharkhand High Court
Case No : Writ Petition (S) No. 529 of 2011

Union of India

APPELLANT

Vs

Niladhaj Bahadur and Others

RESPONDENT

Date of Decision : 30-03-2012

Acts Referred:

Citation : (2012) 03 JH CK 0130

Hon'ble Judges : Prakash Tatia, J; Aparesh Kumar Singh, J

Bench : Division Bench

Advocate : Ratnesh Kumar, for the Appellant;

Final Decision : Dismissed

Judgement

1. Heard learned counsel for the petitioner. The petitioner is aggrieved against the order passed by the Central Administrative Tribunal, Patna Bench, Patna (Circuit Court at Ranchi) dated 03.02.2010 in O.A. No. 117 of 2008.

2. It is not in dispute that certain pensionary benefit was made available to the persons who were initially appointed in contingent service and rendering services as casual labourers with a condition that the entire service period including half of the period of contingent service should be nine years and nine months. The contention of the applicant before the Tribunal was that he worked for the sufficient period and was entitled to the pensionary benefits in terms of the conditions of the present petitioner.

3. The contention of the learned counsel for the Union of India before us is that when Union of India enquired whether the applicant worked continuously from 10.07.1956 to 13.06.1980, it was not responded by the employer where the applicant was earlier employed. However, it is not in dispute that in the service book of the employee, it is mentioned that the applicant was in service from 10.07.1956 to 13.06.1980. This itself was sufficient proof of continuous service of the employee and asking for further proof from the employee for the period from 10.07.1956 to 13.06.1980 cannot be justified and the Union of India should

have relied on the entry made in the service book of the applicant.

In view of the above, we do not find any reason to interfere in the order passed by the Tribunal and the writ petition is dismissed.