

CASE NO.:
Appeal (civil) 1251 of 2008

PETITIONER:
K.V. SANGATHAN & ANR

RESPONDENT:
RAGHUNANDAN BHARGAVA & ORS

DATE OF JUDGMENT: 11/02/2008

BENCH:
CJI K.G. BALAKRISHNAN & R.V. RAVEENDRAN & LOKESHWAR SINGH PANTA

JUDGMENT:
JUDGMENT
O R D E R

CIVIL APPEAL NO.1251 OF 2008
(Arising out of SLP(C) No.8966/2006)

Leave granted.

First respondent was an employee of Kendriya Vidyalaya Sangathan and he retired on 31.12.1999. Prior to joining Kendriya Vidyalaya Sangathan, it is stated that the respondent was working as an Assistant Teacher in the Department of Education of the State of Madhya Pradesh from 4.11.1960 to 7.1.1978. First respondent filed an Original Application before the Central Administrative Tribunal, Jabalpur, for reckoning and adding the period of service as Assistant Teacher in the State Education Department to the period of service in the Kendriya Vidyalaya Sangathan for the purpose of pension. The Central Administrative Tribunal, by its order dated 20th April, 2004, allowed the Original Application and directed the State government as well as Kendriya Vidyalaya Sangathan who were respondents to count the period of service rendered by the first respondent herein under the State Government for calculating the qualifying

-2-

service for pensionary benefits and pay him pension accordingly.

Aggrieved by this Order, the Kendriya Vidyalaya Sangathan filed a writ petition before the High Court and the same was dismissed. Aggrieved by the same, Kendriya Vidyalaya Sangathan filed this appeal. Heard learned counsel for the parties.

Learned counsel appearing for the Kendriya Vidyalaya Sangathan submitted that first respondent is entitled to get pension for the period he had served with the Kendriya Vidyalaya Sangathan and if the period from 4.11.1960 to 7.1.1978, during which he worked as Assistant Teacher with the State Education Department is to be added, the State Government has to make pro-rata contribution. The Government of India, by Official Memoranda dated 29.8.1984 and 7.2.1986 has clarified that scheme for counting previous service will apply to employees of State Government (including State of Madhya Pradesh) moving to central autonomous bodies. The scheme requires the previous employer (State Government) to accept pension liability for the service in accordance with the principles laid down in the said official memorandum. In view of it State of Madhya Pradesh has to workout the pension liability of the State qua first respondent for the period he had worked in the State Government, in terms of the said official memoranda. The first respondent will produce all

-3-

service records available with him to the Directorate of Public Education, State of Madhya Pradesh within a period of six weeks and appropriate order shall be passed by the State Government quantifying the pro-rata liability and amount should be available to the Kendriya Vidyalaya Sangathan within four months therefrom so that the revised pension shall be paid to the first respondent at the earliest at least after six months.

The appeal is disposed of accordingly.