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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2860/1999

New Delhi, this 17th day of September, 2001

Hon'ble Shri Justice Ashok Agarwal, Chairman  
Hon'ble Shri M.P. Singh, Member(A)

Ishaq Ahmed  
H.No.7220, Gali Garaiya  
Quresh Nagar, Delhi-6 .. Applicant  
(By Shri A.K. Sudan, Advocate, not present)

versus

Union of India, through

1. General Manager  
Northern Railway  
Baroda House, New Delhi  
2. Divisional Personnel Officer  
Northern Railway, New Delhi .. Respondents  
(By Shri Rajinder Khatter, Advocate)

ORDER(oral)

By Shri M.P. Singh

The applicant by filing this OA under section 19 of AT Act, 1985 has sought direction to the respondents to sanction pensionary benefits and other retirement benefits to him such as gratuity, leave encashment etc. as has been extended to other employees of the canteen services.

2. Brief facts of the case are that the applicant was appointed as Waiter Khalasi on 20.3.79. During his service, he remained absent from duty from 16.6.81. Since the applicant had remained unauthorizedly absent without intimation, his case was dealt with under Rule 732 which means that the applicant was deemed to have resigned from service from 15.9.81. He was again appointed on 21.3.84 as Waiter Khalasi in the grade Rs.200-250. Upon superannuation, he retired from service on 30.9.95.

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3. According to the respondents, pensionary benefits are available to those catering employees of Railway who have put in minimum 9 years, 9 months and 21 days of qualifying service. Since the qualifying service of the applicant was only 5 years and 3 months, he is not entitled to pension. The applicant was entitled to leave encashment, DCRG and insurance under the extant rules and the same have been given to him by respondents.

4. In view of the fact that the applicant has not put in more than 9 years qualifying service, he is not entitled for the pensionary benefits. However gratuity, leave encashment and insurance as per extant rules have already been paid to him. In view of this position, the OA is devoid of merit and is accordingly dismissed. No costs.

*m/s*  
(M.P. Singh)  
Member(A)

*Ashok Agarwal*  
(Ashok Agarwal)  
Chairman

/gtv/