



केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

प्रधान न्यायपीठ

PRINCIPAL BENCH

16

श्री श्री.....T. D. BHAI, M (J).....Chairman

हस्ता./मूल प्रतिवेदन सं०.....१९९

का पूर्व-देय-आदेश विचारार्थ इसके साथ प्रेषित किया जाता है।

Pre-delivery ORDER in

T. A. / O. A. No. 1471/97.....199.....

is sent herewith for Consideration.

S.P. BISWAS
(S.P. BISWAS)
M (A)

Hari Har's Case was
decided by me only along
with Mr. Swaminathan.

With warm regards
Yours
S.P. BISWAS

S.P. BISWAS
18-5-99

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No. 1471 of 1997

New Delhi, this the 19th day of May, 1999

HON'BLE MR. T.N.BHAT, MEMBER (J)
HON'BLE MR. S.P.BISWAS, MEMBER (A)

Jai Singh Bedi, S/O Late Sh. Dayal Singh
Bedi, R/O 88-D, Pocket-F, Guru Teg
Bahadur Enclave, Dilshad Garden, Delhi -
110 093.

--APPLICANT.

(By Advocate Sh. N.S.Verma)

Versus

1. Union of India, through the
Secretary, Govt. of India,
Ministry of Railways, Rail Bhavan,
New Delhi.
2. The General Manager, Northern
Railways, Baroda House, New Delhi.
3. The General Manager, Metro
Railways, Metro Rail Bhavan, 33/1,
Chowringhee Road, Calcutta.

--RESPONDENTS.

(By Advocate -Sh. D.S.Mahendru)

O R D E R

By Mr. S.P.Biswas, Member (A) -

The applicant before us is aggrieved by Annexure A-13 order by which the respondents Railways have intimated him that the benefits of service rendered by him in Military Department as well as in Light Railways cannot be given for the purpose of refixation of pension.

2. For the purpose of appreciating the points urged in this application we may briefly state the background facts. The applicant joined the then Eastern Bengal Railways (EBR for short) on 1.8.1939 as Store Apprentice. When the IInd World War broke out, the EBR was mobilized under Defence Departments Requirements Scheme (D.D.R.S. for short) and the applicant was given a Short Time

Emergency Commission. When the Govt. of India issued a notification dated 18.5.1942 for volunteers for war services, the applicant volunteered and was posted as Upper Division Clerk (U.D.C. for short) in the office of the Controller of Military Accounts, North-Western Army Commandar, Rawalpindi w.e.f. 18.5.1942 after he had been relieved from EBR. After the country became independent on 15.08.1947, the services of the applicant was transferred to the Govt. of India under the Controller of Defence Accounts (Eastern Command), Meerut, UP. On coming to know that there are some vacancies of Store Keeper in Shahdara-Saharanpur Light Railways (S.S.L.R. for short) a privately run tributary of Northern Railway, the applicant applied for the post of Store Keeper through proper channel in 1954. He was accordingly selected. The applicant joined SSLR on 23.8.1954 at Delhi. When the SSLR was closed in December 1970, the applicant was retained in Arah-Sarasaram Light Railway in the Eastern Sector which was also under the private management. The Govt. of India, Ministry of Railways, issued a Confidential letter in January, 1971 for appointment of staff belonging to SSLR and other such Light Railways like Howrah-Amta Light Railways & Howrah-Sheakhala Light Railways etc. Pursuant to aforesaid communication of Railways in January, 1971, the applicant was appointed as Ward Keeper in 1972. After serving the Northern Railway as Asstt. Store Keeper from 20.9.1974 to 31.8.1977, the applicant retired on 31.8.1977. He thus, worked under the Indian Railways for a period of five years and a few days from 7.8.1972 to 31.8.1977.

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3. The applicant seeks issuance of directions to respondents to count his services under EBR, Short Term Emergency Commission (North-West Army) and the period spent by him in SSLR and grant him pensionary benefits by taking into account the periods spent in Organisations mentioned aforesaid before joining Indian Railways.

4. The only issue for consideration is the legality of applicant's claim for counting his previous services with the Army and privately owned SSLR as spent on duty with Indian Railways for the purpose of granting pensionary and other benefits from General Manager, Northern Railway where he had joined later on following winding up of S.S.L.R. limit

5. The respondents have opposed the claim on the strength of instructions issued by the Ministry of Railways vide its communication dated 29.10.1990 as at Annexure R-3. In the said Communication, the applicant's claim herein has been examined. It has been decided by the appropriate authority that the applicant's appointment with Indian Railways in 1972 has to be treated as ^a fresh entry. limit

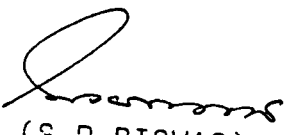
6. We have had the opportunity of adjudicating an identical matter in the case of Sh. Hari Har Saroop Vs. General Manager, Northern Railway in OA No. 117/1991 decided in September, 1997. That was the case where the applicant had initially joined SSLR, a part of the organisation under "Martin Light Railway" on 8th May, 1952 and was promoted as Assistant Station Master (ASM for short) on the same Railway i.e. S.S.L.R. The limit

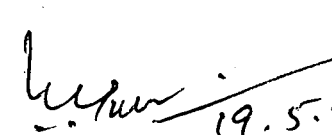
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applicant therein joined the Indian Railways on 21.7.1971 as Booking Clerk and finally returned from the services of Indian w.e.f. 30.6.1992. He had claimed counting of previous services with the SSLR for the purpose of refixation of his pensionary benefits. All the legal issues involved herein stand examined in details in paras 6 to 14 in our order in the aforementioned OA. In the background of the detailed reasons recorded therein, as well as the judicial pronouncement of the Apex Court touching upon identical pleas, the Tribunal had to reject the applicant's claim therein.

7. We find that the facts and circumstances of the present case are fully covered by those elaborated in the aforesaid OA and do not find any reason to deviate from the decisions arrived at therein.

8. The OA is accordingly dismissed but without any order as to cost.


(S.P. BISWAS)
MEMBER (A)

 19.5.99.
(T.N. BHAT)
MEMBER (J)

/SUNIL/