

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00638/2020

Friday, this the 1st day of January, 2021

CORAM:

Hon'ble Mr. P. Madhavan, Judicial Member

Hon'ble Mr. K.V. Eapen, Administrative Member

1. Manikandan Pillai, aged 68 years, S/o R. Gopala Pillai, Retired Lascar/Senior Section Engineer/Works/Kollam/Southern Railway, Trivandrum Division, Residing at Harikrishnans, Anakottoor P.O., Kottarakara, Kollam-Ph:9387942689-Pin - 691505.
2. G. Sudhakaran, aged 71 years, S/o Govindan, Retired Senior Gate Keeper, Senior Section Engineer /PWI/Kollam/ Southern Railway, Trivandrum Division, Residing at Latha Bhavanam, Punthalathazham, Kilikkallure, Kollam. Ph:9400696760, Pin – 691004.
3. M. Chandrasekharan Nair, aged 70 years, S/o Neelakanta Panicker, Retired Senior Gate Keeper, Senior Section Engineer /PWI/Kottayam/ Southern Railway, Trivandrum Division, Residing at Muppathannil, Punnappura west, Ettumanoor, Kottayam. Ph:8113937162, Pin – 686631.
4. K. Thankamma, aged 66 years, D/o Kunju Kuju, Retired Sr. Track Women, Senior Section Engineer /PWI/Mavelikkara, Southern Railway Trivandrum Division, Residing at Chittoor Vadakkethil, Erezhu South, Chettikulangara, Mavelikkara, Alappuzha. Ph:9961059555, Pin – 690 106.
5. J. Francis, aged 66 years, S/o Joshaw, Retired Parcel Porter, Station Manager's office, Kollam/ Southern Railway Trivandrum Division, Residing at Edachira Kizhakkekara, Kakkavila P.O., Neyyattinkara, Trivandrum. Ph:9744558919, Pin – 695 506.
6. P. Palas, aged 65 years, S/o Pachan, Retired Senior Gate Keeper/Senior Section Engineer /PWI/Mavelikkara, Southern Railway, Trivandrum Division, Residing at Vazhakkalayil Veedu, Cheriyanad, Alappuzha. Ph:8157092673, Pin – 689511.
7. P.V, Indrajith, aged 65 years, S/o Krishna Nambiar, Retired Pointsman- I, Station Manager's Office /Trivandrum, Trivandrum Division, Southern Railway, Residing at Puthenveetil House, Pookkam Panoor P.O., Thalassery Via, Kannur. Ph:8281558204.

Pin - - 670692.

8. K. Bahulayan, aged 65 years, S/o Kumara Pillai, Retired Gate Keeper, O/o. Senior Superintendent /KYJ, Kayamkulam Junction, Residing at Sivalayam, Arimanoor, Poovvar, Trivandrum Ph:9446009091, Pin – 695 525.
9. V. Prasana, aged 64 years, D/o Viswanathan, Retired Track maintainer/Senior Section Engineer /PWI/Varkala, Residing at Chaithram, Vennikode, Kottayam. Ph:9745896973, Pin – 686541.
10. T.U.John, aged 70 years, S/o Ulahannan, Retired Sr. Track maintainer/Senior Section Engineer /PWI/Kottayam. Southern Railway Trivandrum Division, Residing at Thadathil, Channakode, Kottayam. Ph: 0481-2330018, Pin – 686581.
11. M. Suguthan, aged 67 years, S/o Madhavan, Retired Sr. Track man, Senior Section Engineer /PWI/Kollam, Southern Railway Trivandrum Division, Residing at Thekkumbhagathu veedu, Kadavur, Perinad, Kollam. Ph:9446524072, Pin – 681601.
12. K.Marthanda Varma, aged 71 years, S/o Kerala Varma, Retired Pointsman, Station Manager Office/Ernakulam South. Trivandrum Division Southern Railway, Residing at Sreevalsam, Keezhvaypoor, Mallappalli, Pathanamthitta. Ph:9446350904, Pin – 689584.
13. P.G. Sukumaran Nair, aged 71 years, S/o Govindan Nair, Retired clerk/Deputy Chief Engineer/Construction/ Ernakulam South. Trivandrum Division Southern Railway, Residing at Perumpuzha Hous, Peroor P.O., Kottayam. Ph:9995811206, Pin – 691 005.
14. J. Vijayamma, aged 66 years, D/o Velu, Retired Sr. Gang women, Senior Section Engineer /PWI/ Mavelikkara, Southern Railway Trivandrum Division, Residing at Ananthavishnunilayam, Oolaketti Ambalam, Mavelikkara. Ph:9633717332, Pin – 690101.
15. N. Sudha, aged 66 years, D/o Kunju Panicker, Retire Track women/Senior Section Engineer /PWI/Mavelikara, Southern Railway Trivandrum Division, Residing at Thekke Veetil, Erezha South, Chettikulangara P.O., Alleppey. Ph:9946281689, Pin – 690106.
16. N. Syamala, aged 66 years, D/o Natesan, Retired Sr. Tack women, Senior Section Engineer /PWI/Mavelikara, Trivandrum Division Southern Railway, Residing at Neervilakam, Vilayilkulam, Kazhakoottam, Trivandrum. Ph:7356828532, Pin – 695 582.

17. D. Stalin, aged 66 years, S/o. Thanam P, Retired Khalasi Helper, Senior Section Engineer/Works/Trivandrum, Trivandrum Division Southern Railway, Residing at Puthuvalputhenveedu, Pravachambalam, Nemam, Tirvndrum. Ph:9995196075, Pin – 695020.
18. V.K. Sankarankutty., aged 68 years, S/o Krishnakutty Nair, Retired Watchman/Sr. Section Engineer/PWI/ Mavelikkara, Trivandrum Division, Southern Railway, Residing at Vadakkevilayil, Ponakam, Mavelikkara, Alappuzha. Ph: 9048898795, Pin – 690101.
19. N. Jayadevan, aged 70 years, S/o Nanu, Retired Gangamate, Sr. Section Engineer/PWI, Quilon, Southern Railway, Trivandrum Division, Residing at Meenacheril, Memana, Oochira, Kollam. Ph:7559947267, Pin – 690526.
20. Vasu Pillai K, aged 70 years, S/o Kochu Kunju Pillai, Rtired Key man, Senior Section Engineer /PWI Mavelikara, Trivandrum Division, Southern Railway, Residing at Sunil Bhavanam, Pullikkanakku, Kayamkulam. Ph (Mob :–Nil-0479-2439497), Pin – 690 502.
21. Kunju Kunju C.A, aged 68 years, S/o Azhakan, Retired Gang mate, Senior Section Engineer /PWI/Kottayam, Southern Railway Trivandrum Division, Residing at Vadakkedathnjalil, Velloor, Kottayam. Ph:9497612850, Pin - 686501.
22. Ravendra Nath V.P., aged 70 years, S/o Parameswaran Pillai, Retired Gangmate, Senior Section Engineer/PWI/Alwaye. Residing at Pulikkalnadumoola veedu, Muppathadam P.O., Aluva. Ph:9745812838, Pin – 683 110.
23. N. Saradha, aged 65 years, W/o. Narayanan, Track Maintainer II, Sr. Section Engineer/P.Way/Alleppey/Trivandrum Division, Southern Railway, residing at Mavullathil Veedu, Umbarnadu, Kallu Mala P.O., Mavelikkara-690110- Ph:9947204439.
24. K. Sarasamma, aged 66 years, D/o. Krishnan, Retired Track Woman/PW/Alleppey/Trivandrum Division, Southern Railway, Residing at Mannalikara Puthenveedu, Mukkampalammoodu, Balaramapuram P.O PIN 695501, Ph:9544518084
25. Ponnamma K, aged 68 years, D/o. Kutty, Retired Sr. Gang Woman/PW/MVLK/Trivandrum Division, Southern Railway, Residing at Kallukuzhi Vadakkethil, Ponakam, Mavelikkara P.O., Mavelikkara. Ph: 9605527747, Pin -690101. **Applicants**

(By Advocate : Mr. Martin G. Thottan)

V e r s u s

1. Union of India, represented by The General Manager,
Southern Railway, Park Town, Chennai – 600003.
2. The Senior Divisional Personnel Officer, Southern Railway,
Trivandrum Division, Trivandrum-695014. **Respondents**

(By Advocate : Mr. Sunil Jacob Jose)

This application having been heard on 01.01.2021 through video conferencing, the Tribunal on the same day delivered the following:

O R D E R (Oral)

Hon'ble Mr. P. Madhavan, Judicial Member –

Heard Advocate Mr. Martin G. Thottan, learned counsel appearing for the applicants and Advocate Mr. Sunil Jacob Jose, learned counsel appearing for the respondents through video conferencing.

2. The applicants retired from Railways on superannuation while working in erstwhile Group-D service in Trivandrum Division of Southern Railway. They seek a declaration to reckon the 50% of their casual service prior to grant of temporary status as qualifying service for pensionary benefits. They mainly rely on the order dated 28.5.2019 passed by this Tribunal in OA No. 180/609/2017 declaring that 50% of casual service prior to the grant of temporary status is also entitled to be reckoned as qualifying service with all consequential benefits. The said order was passed relying upon the decision of the Hon'ble Supreme Court in *Union of India v. Rakesh Kumar & Ors.* - CA No. 3938 of 2017. The applicants have preferred representations which are pending before the competent authority

for consideration. Applicants have filed this OA seeking the following reliefs:

“I) Declare that the applicants are entitled to reckon 50% of casual service prior to the temporary status for all service benefits and to direct the respondents accordingly with all consequential benefits.

II) Award costs of and incidental to this application.

III) Grant such other relief, which this Honourable tribunal may deem fit and proper in the circumstances of the case.”

3. When the matter came up for consideration, it appears that the representations filed by the applicants are pending with the competent authority and they have not been disposed of till date. Counsel for the applicants submit that only few of the applicants have submitted their representations. He wishes all the applicants to file a fresh representation on the basis of the relevant rules and regulations and decisions of this Tribunal before respondent No. 2 within a short time.

4. **In view of the limited relief sought by the applicants, without going into the merits of the case, the applicants are permitted to file fresh representations before respondent No. 2 citing various decisions and relevant rules within a period of four weeks from the date of receipt of a copy of this order. Thereafter, on receipt of representation the competent authority is directed to consider and dispose of the said representations filed by the applicants on the basis of the relevant rules and orders and pass a speaking order within a period of four months from the date of receipt of such representations from the applicants.**

5. The Original Application is disposed of as above at the admission stage itself. No order as to costs.

(K.V. EAPEN)
ADMINISTRATIVE MEMBER

(P. MADHAVAN)
JUDICIAL MEMBER

“SA”

Original Application No. 180/00638/2020**APPLICANTS' ANNEXURES**

Annexure A1 : True copy of order dated 28.05.2019 in OA No.609 of 2017.

Annexure A2: True copy of the OM F No.1(5)/EV/2019 dated 11.11.2019.

Annexure A3 : True copy of the representation dated 26.11.2019 submitted by the 1st applicant.

Annexure A4 : True copy of the representation dated 26.11.2019 submitted by the 2nd applicant.

Annexure A5 : True copy of the representation dated 26.11.2019 submitted by the 3rd applicant.

Annexure A6 : True copy of the representation dated 26.11.2019 submitted by the 4th applicant.

Annexure A7 : True copy of the representation dated 26.11.2019 submitted by the 5th applicant.

RESPONDENTS' ANNEXURES

Nil

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