

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA/020/00342/2015

HYDERABAD, this the 03rd day of March, 2020.



THE HON'BLE MRS.NAINI JAYASEELAN : ADMINISTRATIVE MEMBER

K.Ramakrishna S/o K.B.S.Narsinga Rao,
Aged about 62 years, Occ : Regupalem RS (Retd.),
SC Rlys, Vijayawada Division, R/o Angalakuduru
Village, Guntur District.

(By Advocate : Mr. P.S.Ramachandra Murthy) ...Applicant

Vs.

1. Union of India, Represented by its General Manager, South Central Railway, Railnilayam, Secunderabad.
2. The Senior Divisional Personnel Officer, South Central Railway, Vijayawada, Krishna District.
3. The Senior Divisional Finance Manager, South Central Railway, Vijayawada, Krishna District.
4. The Senior Divisional Operations Manager, South Central Railway, Vijayawada, Krishna District.

(By Advocate : Mrs.Shyama Sundari, SC for Rlys.Respondents

(Oral Order per Hon'ble Mrs. Naini Jayaseelan, Administrative Member)

This application is filed under section 19 of the Administrative Tribunal's Act, 1985 for the following relief :-

"Hence, in the interests of justice, the applicant herein prays that this Hon'ble Tribunal may be pleased to call for the records pertaining to the issue of retiral benefits to the applicant basing on 18 years of qualifying service as brought out in the service



certificate and in the light of judgment of the Hon'ble High Court of A.P in W.P.No.10837/2001, the Respondents herein may be directed to revise the qualifying service of the applicant from the existing 18 years adding there to 50% of his casual labourer service and full percent of temporary status service and by computing so direct them to grant the consequential benefits like correct fixation of last drawn pay and revision of pension and all the retiral / consequential benefits and pass such other Order or Orders as this Hon'ble Tribunal may deemed fit and proper in the circumstances of the case."

2. The brief facts of the case are that, the applicant was appointed to Railway Service as a Casual Labourer under the control of Permanent Way Inspector, Bapatla, SC Railway, in June, 1969, and worked in that capacity upto 1972 for a total of 632 days and subsequently from March, 1982 to May, 1983 (433 days) under Permanent Way Inspector, Chirala, thus working for a total of 977 days. He subsequently got temporary status on 19.04.1992.

3. The applicant further submits that, after permanent absorption as Gangman with effect from 01.01.1995, he was transferred to traffic department of SC Railway in Vijayawada Division on a request made by him under the change of category, as eligible for having undergone family planning operation and worked in various capacities in the department and retired on superannuation with effect from 28.02.2013.

4. Respondents have filed reply statement stating that as per the extant rules, the 50% of the service rendered by Casual Labour on Temporary status shall be reckoned as qualifying service. In this case, he was granted



Temporary Status with effect from 17.04.1992 in view of his seasonal nature of work he worked as SCAsual Labour with temporary status only during the period from 01.04.1994 to 30.06.1994, a total of 03 months one day and 50% of which is one month 15 days. Thus the 50% of casual labour service with temporary status has been added to regular service and his total service was reckoned as 17 years 11 months 06 days (18 years).

5. The Respondents also state that the applicant was under unauthorized absence / leave without pay for 03 months 29 days which is a non-qualifying service and excluded from the total service. Thus the service reckoned in favour of the ex-employee is in order and needs no revision. In view of these submissions, the Respondents pray for dismissal of the OA.

6. Heard Mr.P.S.Ramachandra Murthy, learned counsel for the applicant. No representation for the Respondents.

7. During the course of the arguments, learned counsel for the applicant placed reliance on the order of the Hon'ble Apex Court in **Civil Appeal No.3938 of 2017 [Union of India & Others Vs. Rakesh Kumar & Others]** arising out of SLP (C) No. 23723 of 2015, wherein, in para-55 of the order, it is held as under :-

“55. In view of forgoing discussion, we hold :

(i) The casual worker after obtaining temporary status is entitled to reckon 50% of his services till he is regularised



on a regular / temporary post for the purposes of calculation of pension.

(ii) The casual worker before obtaining the temporary status is also entitled to reckon 50% of casual service for purposes of pension."

8. Since the present O.A is filed in the year 2015 and the judgment in SLP (C) No.23723 of 2015, was delivered on 24-03-2017, this OA is disposed of with a direction to the applicant to make a fresh comprehensive representation referring to the judgment in SLP (C) No.23723 of 2015, decided on 24-03-2017, within one month from the date of receipt of certified copy of the order. After submission of the representation by the applicant, the Respondents Department is directed to dispose of the representation within a period of two months from the date of receipt of the said representation of the applicant.

9. Original Application is disposed of accordingly with no order as to costs.

(NAINI JAYASEELAN)
ADMINISTRATIVE MEMBER

vl.

