

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A.No.978/2021

This the 11th day of May, 2021

(Through video conferencing)

Hon'ble Mr. Tarun Shridhar, Member (A)



1. Sh. Kanhya Lal,
S/o Shri Munna Prasad,
(Aged about 62+ years)
Retired as Gangman,
Group 'D'
Under the control of DRM office,
Northern Railway, New Delhi.

R/o E-11, Railway Colony,
Railway Quarter,
Kurukhshetra, Haryana.

... Applicants

(Through Advocate Sh. K. K. Patel)

Versus

1. Union of India
Through General Manager,
Northern Railway,
Baroda House,
New Delhi
2. Division Railway Manager,
Northern Railway, State Entry Road,
New Delhi-110055
3. Senior Divisional Financial Manager,
Division Railway Manager's Office,
Northern Railway, State Entry Road,
New Delhi-110055

... Respondents

(Through Advocate Sh. Krishna Kant Sharma)

ORDER (Oral)**Hon'ble Mr. Tarun Shridhar, Member (A):**

The applicant is aggrieved that he has been given benefits of 25½ years of service for the purpose of sanction of pension and release of his retiral dues whereas he has put in 36 years of effective service with the respondent department i.e. Indian Railways. The applicant was engaged in 1978 as Casual Labour in Railways and later on was granted temporary status in the year 1983. Learned counsel for the applicant in support of his contention has filed a decision in the case **Union of India V/s Rakesh Kumar in Civil Appeal No. 3938/2017** in which the Hon'ble Supreme Court had directed the Railways to reckon 50% of the services rendered as a casual labour for the purpose of calculating the total number of years served, while deciding the pensionary dues on the retirement of the employee. This judgment of the Hon'ble Supreme Court has been recognized by the respondents' department and they have themselves issued instructions No. 220-E/I/CL-IV/Const. dated 27.07.2016 wherein instructions have been issued to all subordinate officers to sanction and finalize the pensionary dues in the light of the above quoted judgment.



It will be in the interest of justice to dispose of this OA with the directions to the respondents to re-calculate the number of years served by the applicant and benefits to be accorded to him for the purpose of his retiral dues in the light of above said judgment, which also finds mention in the instructions issued by the department. Respondents are further directed that these directions should be complied, with within a period of eight weeks after the date of receipt of a copy of this order.

(Tarun Shridhar)
Member (A)

Shilpi/arti