

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1701 of 1993

Allahabad this the 09th day of February, 2001

Hon'ble Mr.S. Dayal, Member (A)
Hon'ble Mr.Rafiq Uddin, Member (J)

Amar Nath, Son of Sri Ragghu, Ex.Gangman, P.W.I.
Khaga, Resident of Village Keshwapur, P.O.Shahjad-
pur, Distt.Allahabad. Applicant

By Advocate Shri Ganga Prasad,
Shri D.B. Yadav.

Versus

1. The Union of India through Ministry of Railways, New Delhi.
2. The General Manager, Northern Railway, Baroda House, New Delhi.
3. The Divisional Railway Manager, Northern Railway, Allahabad.

By Advocate Shri K.D. Pandey

O_R_D_E_R (Oral)

By Hon'ble Mr.S. Dayal, Member (A)

This application has been filed for direction to the respondents to consider the applicant to be on permanent service and treat entire service rendered by the applicant as regular and qualifying for pensionary benefits w.e.f. 05.10.91 alongwith consequential benefits.

2. The applicant has stated that he was appointed as Gangman w.e.f. 13.4.1979. He was

medically examined and found fit. He continued to work under the Railways till 04.10.1991 when a Medical Board found him unfit for all class of jobs and he was discharged from service. He filed appeals on 04.4.91, 01.08.91, 01.03.92 and 01.06.93 before the D.R.M./A.D.R.M., Allahabad but, without any result.

3. We have heard the learned counsel for the applicant. He has made two contentions before us. One is that as per C.C.S. (Temporary Servants) Rules, 1965, pension is admissible to temporary government servants who retired on super-annuation, and second is that the family pension is provided to the family of a deceased government employee who dies even before the completion of one year of continuous service.

4. We have considered the contentions made by the learned counsel for the applicant. As far as the first contention is concerned, the applicant admittedly was granted temporary status w.e.f. 13.4.1979 and was empanelled on 01.2.1984 when he became a regular railway employee. He was declared medically unfit on 04.10.1991, counting his period of worked service as a temporary status Gangman and his period after regularisation the applicant has shown that he had worked for 10 years and 28 days. The respondents have admitted in their counter-reply/that (para-7) a railway servant can get pension on completion

15

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of 20 years of qualifying service and in the special case on being declared medically unfit for all railway service on completion of 10 years of qualifying service.

5. Since the applicant is shown to have completed 10 years of qualifying service, the respondents are directed to consider his case as a medically incapacitated railway employee on completion of 10 years of qualifying service, for grant of pension and other benefits under the rules. The respondents shall comply with this order within a period of 3 months from the date of receipt of a copy of this order. The O.A. is disposed of accordingly. No order as to costs.

Rajendra
Member (J)

Mawal
Member (A)

/M.M./