

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 01st day of OCTOBER 2004.

Original Application no. 1511 of 1994.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman
Hon'ble Mrs. Roli Srivastava, Member (A).

Sri Shyama Charan Tiwari,
S/o Sri R.N. Tiwari,
R/o 512/A Jateypur North,
Distt. Gorakhpur.

... Applicant

By Adv : Sri S.K. Pandey & Sri A.S. Lal

V E R S U S

1. Union of India through General Manager,
North Eastern Railway,
Gorakhpur.
2. F.A. & C.A.O. North Eastern Railway,
Gorakhpur.
3. Ministry of Personnel, Public Grievances and Pension,
through the Additional Secretary, Govt. of India,
Nirvachan Sadan, 6 Floor,
New Delhi.

... Respondents

By Adv : Sri V.K. Goel

O R D E R

Justice S.R. Singh, VC.

The applicant, initially appointed as Casual Labour in North Eastern Railway (NER) Gorakhpur, was granted temporary status w.e.f. 01.01.1981 and attained the age of superannuation on 31.10.1993. The present O.A. has been

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filed seeking issuance of direction to the respondents to grant him pensionary benefits, if necessary, after conducting screening of the applicant's service record. It appears that the applicant preferred several representations for redressal of his grievances regarding pension, but no decision seems to have been taken by the Railway Administration.

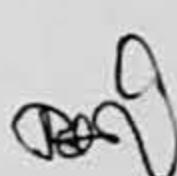
2. In the counter affidavit, it is submitted, that the applicant was granted temporary status w.e.f. 01.01.1981 and further vide letter dated 16.08.1984 Casual Labourers with temporary status have been conferred certain rights and benefit admissible to temporary Railway Servant in terms of Railway Board's letter no. E(NG) II/86/CL/SC/9 dated 07.05.1983. As regards the pensionary benefit, it is stated in the counter affidavit, "the same is still not available to temporary status casual employees".

3. Applicant's counsel has brought to our notice a resolution/notification no. 2/13/87-PIC dated 18.07.1987 issued by Ministry of Personnel, Public Grievances and Pensions (Department of Pension and Pensioner's Welfare). The said resolution/notification has also been adopted by the Railway Ministry vide circular no. PC-IV/87/Imp/1 dated 15.04.1987, which provides for terminal benefits to a temporary Railway Employees who retired on super-annuation or on being declared permanently incapacitated for further Railway service. The said circular reads as under :-

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TERMINAL BENEFITS.

10.1. In partial modification of the Ministry of



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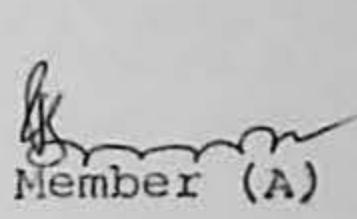
Railways letter No. F(E) III 78/PN-1/13 dt. 21.2.1981, temporary Railway employees who retired on superannuation or on being declared permanently incapacitated for further Railway service by the appropriate medical authority after having rendered temporary service of not less than ten years, shall be eligible for grant of superannuation/invalid pension, retirement gratuity and family pension at the same scale as admissible to permanent employees under the relevant provisions of the Manual of Railway Pension Rules, 1950, and such other orders as may be force..

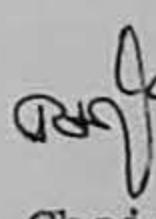
....."

4. The Hon'ble Supreme Court in Ram Kumar Vs. Union of India & Others 1996 (1) AISLJ 116, has held that casual labourers attaining temporary status are entitled for pensionary benefits as per order issued by the Railway Board. In this view of the matter, we are of the view that the applicant who attained the age of superannuation after completion of ten years of service is entitled for grant of pension under the aforesated circular issued by the Railway Ministry.

5. Accordingly, the OA succeeds and allowed. Respondents are directed to finalise the pensionary benefits of the applicant in accordance with the provision, aforesated, within a period of four months from the date of receipt of copy of this order.

6. There shall be no order as to costs.


Member (A)


Vice-Chairman

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