

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 13TH DAY OF MARCH, 2001

Original Application No.647 of 1999

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

Bhawani Singh,a/a 62 years
S/o Shri Dangal,R/o Village
Barkhera Post, Jirond,

... Applicant

(By Adv: Shri R.K.Nigam)

Versus

1. Union of India through
General Manager, Northern
Railway, New Delhi.
2. Divisional Railway Manager
Central Railway, Jhansi

... Respondents

(By Adv: Shri A.K.Gaur)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

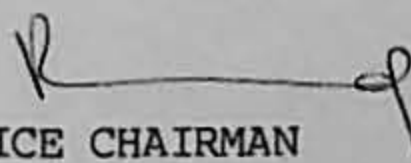
By means of this application u/s 19 of A.T.Act 1985 applicant has prayed for a direction to the respondents to fix the correct pension and gratuity including the entire length of the service as Mason Mistri.

The facts in short as stated in the application are that applicant joined on 1.6.1959 as Mason Mistri at Faridabad under Divisional Railway Manager, Central Railway, Jhansi. It is claimed that lastly he was posted at Mata Tila from where he retired on 30.6.1994. In support of this submission the applicant has filed a certificate granted to him by Chief Signal Inspector(Construction),Central Railway jhanshi which shows that

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the applicant worked for 10396 days from 1.6.1959 to 21.10.1974. This averment of the applicant made in para 4.1. has not been denied in the counter affidavit. The document filed as (Annexure 2) has also not been disputed. If the applicant ^{was a} ~~has~~ actually engaged from 1.6.1959 and he continued in service that period has also to be reckoned for purposes of pension. If he satisfied the conditions provided in para 2007 of the Indian Railway Establishment Manual Vol-II. If he was engaged as a skilled labourer from the very beginning the position shall be altogether different. However, as the details with regard to the period ^{1-6-1959 to 31-12-1980} ~~1-1-1981~~ have not been mentioned in the counter affidavit, ^{it} ~~it~~ appears appropriate and just that respondents may be asked to consider the entire period of working claimed by the applicant and verify the same from their record and then calculate the pension in accordance with law.

The OA is accordingly disposed of finally with the direction to the respondent no.2 to consider the period from 1.6.1959 to 31.12.1980 regarding services rendered by the applicant and then calculate the period of service for the purposes of pension. This exercise shall be completed within four months from the date a copy of this order is filed. There will be no order as to costs.


VICE CHAIRMAN

Dated: 13.3.2001

/Uv/

OA. 647/PP.

08-8-2001

Hon. Mr. SKI Maqul, Jm

MA. 3354/01.
inhibited.

31/7.

Sr. M.K. Sharma brief holder
of Sr. A.K. Gaur counsel for the
applicants/respondents. Sr. R.K.
Migani, counsel for the respondents
in the OA.

2. OA no. 647/99 decided on
13-3-2001 allowing four
months time to comply with
the direction therein had
expired on 13-7-2001 from the
date of the order. Three months
further time has been sought
which is allowed as last
and final opportunity.

6.
Jm.

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