

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No.158 of 2000

Allahabad this the 08th day of April, 2003

Hon'ble Mrs.Meera Chhibber, Member (J)

Sri Nathuni Son of Sri Nanho, resident of Village,
Dudhela Post, Jhamhor, District Aurangabad.

By Advocate Km.Sunita Sharma Applicant

Versus

1. Union of India through Secretary, Ministry of
Railway, New Delhi.
2. The Chairman Railway Board/Govt. of India, New
Delhi.
3. General Manager, Eastern Railway, Calcutta.
4. Divisional Railway Manager, Eastern Railway,
Mughalsarai.

Respondents

By Advocate Shri A.K. Gaur

O R D E R (Oral)

By Hon'ble Mrs.Meera Chhibber, Member (J)

By this O.A. applicant has sought a
direction to the respondents to make payment of
pension and other benefits to the applicant w.e.f.
31.12.1997. The short point in this case is whether
applicant will be entitled for pension at all in the
case when the applicant had not completed 10 years of
qualifying service in the railways.

2. The case of the applicant is that he had
been working with the respondents since 12.11.1985 to


31.12.1997 i.e. for more than 12 years, therefore, he is entitled to get pension and denial of same amounts to violation of Article 19(1)(a) and 31(1) of the Constitution of India.

3. The respondents in their counter-affidavit have explained that applicant was appointed as casual labour from 12.07.85 and was granted temporary status on 12.11.85 after completing 120 days continuous working and was posted as regular Gangman from 24.07.91. He retired from service on 31.12.1997, therefore, total qualifying service comes to only 9 years 3 months and 13 days, therefore, it cannot be said that the applicant has worked for 12 years nor is ^{he is} entitled to the pension as he had not completed 10 years qualifying service, otherwise they have stated that the applicant has been given an amount of Rs.14,026 on account of Provident Fund, Rs.18,198 on account of D.C.R.G., Rs.856/- as G.I.S., Rs.20,587/- on account of leave encashment and Rs.900/- as Packing allowance vide C.O.7 No.100099 dated 30.12.1997. They have thus submitted that the O.A is absolutely devoid of any merit, therefore, same may be dismissed.

4. I have heard the respondents counsel and perused the pleadings as well.

5. The applicant has not even filed rejoinder in this case to rebut the averments made by the respondents. The services rendered by the casual labour and ^{is} later regularised/to be computed as per para-2205 of Indian Railway Establishment Manual wherein it is specifically stated that casual labour would get half

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of their service from the date they have ^{been} given temporary status till they are regularised plus the regular service after their regularisation till their retirement. Now if the service rendered by the applicant is seen with reference to this rule, it is clear that the applicant had not put in 12 years but, had indeed put in qualifying service of 9 years 3 months and 13 days and since the applicant has not completed 10 years of qualifying service, he would not be entitled for pension. As far as other retirement of the applicant, the respondents have categorically ^{stated} ~~mentioned~~ that they have already paid same to the applicant, which fact is not disputed by the applicant. Accordingly, there is no merit in the O.A. ~~and~~ the same is dismissed with no order as to costs.



Member (J)

/M.M./