

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.160 OF 2000
ALLAHABAD THIS THE 10TH DAY OF JANUARY, 2003

HON'BLE MRS. MEERA CHHIBBER, MEMBER-J

Sri Mahang
Son of Sri Muneshwar,
R/o Village, Fatha Post. Kar Sewa,
District: Aurangabad. (Bihar) Applicant

(By Advocate Km. S. Sharma)

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 G.P. Agrawal)

O R D E R

HON'BLE MRS. MEERA CHHIBBER, MEMBER-J

By this O.A., the applicant has claimed a direction to the respondents to make the payment of the pension and other benefits with effect from 30.04.1996.

2. The case of the applicant is that he was initially engaged as Gangman on 10.12.85 and worked on the same post till 30.4.96 when he retired ^{on 30.4.96} attaining the age of superannuation. He also got temporary status after putting ⁱⁿ 120 days. It is claimed by the applicant that the right of a person to receive pension is property under Article 31(1) of the Constitution of India, therefore, he claimed the relief as mentioned above.

3. The respondents have opposed the O.A. on the ground that the applicant ^{was B} had appointed ^{as a B} casual labour on 10.12.85. He was granted temporary status on 10.4.86 and was made permanent as Gangman on 31.10.1991. He retired from service on 30.4.96

and after computing his service as per para 2005 of IREM, his total qualifying service comes to 7 years, 2 months and 27 days. Thus, it is wrong to say that his qualifying service is 12 years and since he had not completed 10 years as qualifying service, he is not entitled to any pension. They have explained that only half period from the date of attaining temporary status to the date of being made regular is counted for qualifying service. plus regular service as stated above, ~~it is made upto 10 years.~~ However, the other dues which he was entitled to namely P.F. for Rs.7318, DCRG for Rs.14034, GIS for Rs.478/, Leave encashment for Rs.4509 and Packing allowance for Rs.900/- have been paid vide CO7 no.100128 dated 31.7.96. They have, thus, submitted that the applicant is not entitled for any relief as claimed by him.

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

5. The applicant has not bothered to file any Rejoinder and I have seen that the initial date of appointment is not disputed by the respondents, but they have submitted that the applicant was engaged as a casual labour. He was given temporary status only on 10.4.86 and was made permanent on 31.1.1991. He retired from service on 30.4.96. If the qualifying service is computed as per provisions laid down in para 2005 of IREM, it is seen that the qualifying service comes ^{to Rs} only 7 years, 2 months and 27 days and since he had not completed 10 years as qualifying service, he is not entitled to get pension as per rules. Accordingly, there is no merit in the O.A. and the same is dismissed. No costs.



MEMBER (J)

GIRISH/-