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**RESERVED**

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**ALLAHABAD BENCH**  
**ALLAHABAD.**

Dated : This the 29<sup>th</sup> day of November 2006

**Original Application No. 601 of 2002**

**Hon'ble Mr. Justice Khem Karan, Vice Chairman**  
**Hon'ble Mr. P.K. Chatterji, Member (A)**

Vivekanand Paramhans Rai, S/o late G.P. Rai,  
R/o 33, Kasia Road, Civil Lines,  
GORAKHPUR.

. . . .Applicant

By Adv: Sri S.K. Om

V E R S U S

1. The Union of India through General Manager,  
North Eastern Railway  
GORAKHPUR.
2. Chief Personnel Officer,  
North Eastern Railway,  
LUCKNOW.

. . . .Respondents

By Adv: Sri K.P. Singh

**O R D E R**

**By Hon'ble Mr. P.K. Chatterji, Member (A)**

The case in this OA is short and simple. The applicant was working as Deputy Librarian in North Eastern Railway Gorakhpur. He was asked to look after the duties of Assistant Library and Information Officer in the same office as the same post fell vacant due to retirement of Sri Jagat Pal Singh on 28.02.2001. The applicant performed the duties of the Assistant Library and Information Officer, as stated by him in the OA, from 01.03.2001 to 31.05.2001 on which date he also retired from

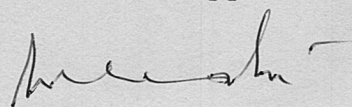
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service. The applicant requested the respondents to grant him the pay of the Assistant Library and Information Officer to which he was appointed on ad-hoc basis by the competent authority i.e. respondent No. 2 for the aforementioned three month period. However, his request was turned down by the respondents.

2. In the OA the applicant has referred to para 32 of the Railway Service (Pension) Rules wherein it has been stipulated that service rendered as substitute shall be counted for pensionary benefits from the date of completion of three months in the case of teachers and four months in other cases. The applicant argues that even his case be that he was promoted on ad-hoc basis by the order dated 27.02.2001 is not admitted to be a promotional order, still the applicant would come in the category of a substitute and after completion of three months his services should be counted for the purpose of pension and other terminal benefits.

3. The applicant has requested the Tribunal to direct the respondents to pay the officiating salary for the post of Assistant Library and Information Officer from 01.03.2001 to 31.05.2001 and further that the three months service should also be reckoned for calculation of the Pension, DCRG, GPF etc. and that the difference in pay alongwith interest @12% pa should be paid to the applicant.





4. The respondents in their CA have refuted the claim of the applicant saying that the applicant was never promoted on ad-hoc basis to the post of Assistant Library and Information Officer. He had only three months to go before retirement. They have stated that after retirement of Sri J.P. Singh on 28.02.2001 the applicant continued to work as Deputy Librarian from 01.03.2001 to 31.05.2001, the day of his retirement. After retirement of Sri J.P. Singh, Sri G.J. Sinha was ordered to look after the daily routine work of the post of Assistant Library and Information Officer. But all administrative work of Central Library continued to be performed by Executive Officer/Central. The respondents have emphatically stated that no office order was issued to post the applicant as Assistant Library and Information Officer.

5. With regard to Rule 32 of the Railway Service (Pension) Rules 1993 as mentioned by the applicant, it is averred by the respondents that the same was not applicable to the case of the applicant. The submission made by the respondents in this regard are as follows:

*"It is not applicable in the case of applicant. Although there is a provision in Railway Service (Pension) Rules, 1993 that service rendered as substitute shall be counted for pensionary benefits. It is pertinent to mention there that applicant has already completed 36 years and 10 months and 22 days regular service while maximum pensionary benefit can be given for*

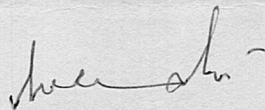
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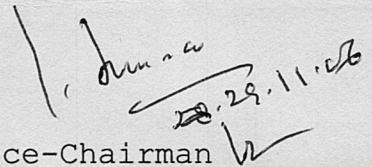
33 years of qualifying service only. Therefore, no further benefit can be extended to the applicant under this para."

6. Perused the submission made by both parties and also heard the counsels of both parties. From the record it appears that the applicant was not issued any ad-hoc promotional order to the post of Assistant Library and Information Officer (Group 'B'). He was directed to look after some of the duties of the said post for a short period of three months in addition to his main charge pending selection of a regular incumbent. We are also satisfied with the argument made by the respondents as to why the Rule 32 of the Pension Rules (ibid) could not apply for recalculation of pension and other retiral benefits of the applicant.

7. For the aforementioned reasons we find no merit in the OA which is dismissed. No cost.



Member (A)



Vice-Chairman

/pc/