

4
CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH; CUTTACK

Original Application No.605 of 1992

Date of Decision: 29.3.1993

Kandan Applicant

Versus

Union of India & Others Respondents

For the applicant

M/s.G.A.R.Dora
V.Narasingh,
Advocates

For the respondents

Mr.L.Mohapatra,
Standing Counsel
(Rly.Administration)

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C O R A M:

THE HONOURABLE MR.K.P.ACHARYA, VICE-CHAIRMAN

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1. Whether the reporters of local newspapers may be allowed to see the judgment ? Yes
2. To be referred to reporters or not ?
3. Whether His Lordship wishes to see the fair copy of the judgment ? Yes

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JUDGMENT

MR. K. P. ACHARYA, VICE-CHAIRMAN, In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner prays to direct the opposite parties to treat the regular continuous service of the petitioner from 24.2.1966 till 30.6.1992 as qualifying service ^{for} and pension etc. ^{to} be paid to the petitioner for the entire period mentioned above.

2. Shortly stated the case of the petitioner is that he was working as a Casual Labourer from the year 1966 till 23.2.1966. The petitioner as a Gangman was made entitled to draw the C.P.C. Scale with effect from 26.2.1966 and he was ultimately confirmed in the said post on 21.11.1981 and retired on superannuation with effect from 30.6.1992. The departmental authorities have no dispute ~~with~~ the petitioner in paying the pensionary benefits ^{to him} ~~with~~ effect from 21.11.1981 - the date on which the petitioner was confirmed. Grievance of the petitioner is that ^{his} ~~the~~ pensionary benefit should be calculated from 24.2.1966 i.e. ^{the} ~~the~~ date on which the petitioner was given temporary status with C.P.C. Scale of pay.

3. In their counter the opposite parties maintain that the petitioner's claim is illegal, unjust and improper. No pensionary benefit can be allowed to a particular employee only because he had gained temporary status and had ^{been} ~~given~~ the C.P.C. Scale of pay. The services of the petitioner not having been regularised with effect from 24.2.1966, he is not entitled to the pensionary benefits ^{from the said date} ~~though~~ he is entitled to the benefit from the date on which

he was confirmed. Hence the case being devoid of merit is liable to be dismissed.

4. I have heard Mr.V.Narasingh, learned counsel for the petitioner and Mr.L.Mohapatra, learned Standing Counsel.

5. Mr.L.Mohapatra, learned Standing Counsel urged before me that unless a particular Government employee is regularised ~~and confirmed~~, then services rendered by him during this period cannot go to the credit of an employee for the purpose of pensionary benefits. On the other hand it was contended by Mr.V.Narasingh, learned counsel for the petitioner with equal vehemence that the petitioner having been given temporary status and having been entitled to the C.P.C. Scale of pay, non issuance of specific order for regularisation does not deprive the petitioner of his pensionary benefits and further more due to the laches on the part of the departmental authorities the petitioner should not be made to suffer. On the contrary the Bench should come to a conclusion that the services of the petitioner is deemed to have been regularised with effect from the date on which the petitioner had received temporary status and C.P.C. Scale of pay.

6. I have given my anxious consideration to the argument advanced at the Bar. The legal position has been settled by the Apex Court to the extent that the services rendered by an employee during the period of his adhoc appointment or temporary appointment or as a Stop-gap-arrangement, if made according to rules, shall be counted towards his seniority etc. This settled position of law was rightly and fairly not disputed at the Bar. The admitted position being that the petitioner had received

temporary status and C.P.C. Scale of pay from 24.2.1966 does not disentitle the petitioner from regularisation of services and the period of services rendered from 24.2.1966 to 20.11.1981 should be deemed to have accrued to the benefit of the petitioner.

7. Therefore, it is held that the petitioner is deemed to have been regularised from 24.2.1966 and therefore his pension be settled on the basis of the pay drawn by him with effect from 24.2.1966 and accordingly pension and other retiral benefits be calculated and paid to the petitioner within 90 days from the date of receipt of a copy of this judgment. The petitioner will be entitled to arrear financial benefits less already drawn.

8. Thus the application is accordingly disposed of leaving the parties to bear their own cost.

[Signature]
29.3.93
VICE-CHAIRMAN

Central Administrative Tribunal
Cuttack Bench, Cuttack
dated the 29.3.1993/ B.K. Sahoo

