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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 279 OF 1994.
Cuttack, this the 3rd day of March, 2000.

K. JAGGA RAO & OTHERS. APPLICANTS.

-VERSUS-

UNION OF INDIA & OTHERS. RESPONDENTS.

FOR INSTRUCTIONS.

1. whether it be referred to the reporters or not? Yes
2. whether it be circulated to all the Benches of the Central Administrative Tribunal or not? No.

(SOMNATH SOM)
(VICE-CHAIRMAN)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
3.3.2000

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 279 OF 1994.

Cuttack, this the 3rd day of March, 2000.

C O R A M:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN

AND

J. S. JAGGA RAO, JUDGE (JUDGE).

.....

IN THE MATTER OF:

- S. Som.
1. K. Jagga Rao, 42 years,
S/o. Bairagi,
C/o. Senior Project Manager,
G/SER/VSKP, working as Works
Mistry;
 2. J. Raja Rao, 41 years, Gangman,
S/o. Rama Murty,
C/o. PWI/C/SE Rly./VSKP.
 3. G. Appa Rao, Aged about 49 years,
Gangman,
S/o. Kutyalu,
C/o. PWI/C/VSKP;
 4. S. Surappadu, Aged about 42 years,
Gangman,
S/o. Latchanna,
C/o. PWI/C/VSKP;
 5. B. Padmanabham, Aged about 48 years,
Trolleyman,
S/o. Yellaiah,
C/o. PWI/C/VSKP;
 6. D. Mallesu, Aged 45 years, Trolleyman,
S/o. Rammanna,
C/o. PWI/C/SE Rly./VSKP.
 7. U. Savaraiah, 50 years, Mate,
C/o. PWI/CpSE Rly. VSKP.
 8. V. Venkata Swamy, 49 years, Trolleyman,
S/o. Tatalu, Under PWI/C/SE Rly./VSKP;

9. B.Raja Rao, Aged 42 years, Gangman,
S/o. Thavudu,
C/o.PWI/C/SE Rly, VSKP;
10. B.Mohan Rao, Aged 40 years, Gangman,
S/o.Appanna,
C/o.PWI/C/SE Rly, VSKP;
11. Ch.Jagannadha Rao, Aged about 40 years,
Gangman,
S/o.Narasimhulu,
C/o.PWI/C/SE Rly./VSKP.
12. Y.Thaviti Naidu, 38 years, Gangman
C/o.PWI/C/SE Rly./VSKP;
13. K.Ramappadu, 40 years, Gangman,
S/o.Appanna,
C/o.PWI/C/SE Railway/VSKP,;
14. Ch.Raja Rao, 49 years, Mate,
S/o. Thulasaiah,
C/o.PWI/C/SE Railway/VSKP;
15. N.Ramulu, 50 years, Mate,
S/o.Dalayya,
C/o.PWI/C/SE Rly/VSKP;
16. G.Yerakaiah, 38 years, Mate,
S/o.Appala Swamy,
C/o.SPM/D/SE Rly./VSKP;
17. S.Suryanarayan, 39 years, Mate,
S/o.Maki Naidu,
C/o.SPM/G/SE Rly./VSKP;
18. P.Suryanarayana, 40 years, Mate,
S/o. Ramulu,
C/o.SPM/G/SE Rly./VSKP;
19. T.Sadhu, 48 years, Mate,
S/o.Appala Swamy,
C/o.SPM/G/SE Rly./VSKP.
20. Thuneswar 40 years, Hammerman,
S/o.Manib,
C/o.PWI/C/SE Railway/VSKP;
21. K.Ananda Rao, 42 years, Hammerman,
S/o.Pallaiah,
C/o.PWI/C/SE Rly/VSKP;

22. S.Appa Rao, 40 years, Khalasi,
S/o. Mutyalu,
C/o. SPM/G. SERly/VSKP;
23. K.Shankaraiah, 41 years, Gangman,
S/o. Rama Raju,
C/o. PWI/C/SE Rly./VSKP;
24. M.Appa Rao, 40 years, Gangman,
S/o. Surappadu,
C/o. IOW/C/SE Rly./VSKP;
25. M.Arjun Rao, 41 years, Gangman,
S/o. Sesa Rao,
C/o. CWI/C/SE Rly./VSKP;
26. B.Ananda Rao, 40 years, Gangman,
S/o. Thavitiah,
C/o. PWI/C/SE Rly./VSKP;
27. M.Simhachalam, 40 years, Gangman,
S/o. Chinnappa,
C/o. PEI/C/SE Rly./VSKP;
28. P.Simmaiah, 46 years, Gangman,
S/o. Appoji,
C/o. PWI/C/SE Rly./VSKP;
29. D.Ramayya, 47 years,
S/o. Kamesu, Gangman,
C/o. PWI/C/SE Rly./VSKP;
30. S.Chinna Rao, 43 years, Gangman,
S/o. Butchanna,
C/o. PWI/C/SE Rly../VSKP;
31. A.Surya Demudu, 41 years, Gangman,
S/o. Yellaiah,
C/o. PWI/C/SE Rly./VSKP;
32. V. Venkata Naidu, 43 years, Gangman,
S/o. Rami Naidu,
C/o. IOW/CpSE Rly/VSKP.;
33. B.Venkata Rao, 43 years, Gangman,
S/o. Kanniah,
C/o. IOW/C/SE Rly/VSKP;
34. Ch.Jogiraju, 39 years,
Engineering,
S/o. Suryanarayan,
C/o. IOW/CpHQ/S^m Rly/V SKP;

35. A. Nagabhusanam, 47 years, Khalasi,
S/o. Ramulu, C/o. IOW/C/VSKP;
36. B. Anjaneyulu, 40 years, Gangman,
S/o. Narasimhulu,
C/o. IOW/C/SE Rly./VSKP;
37. S. Appanna, 47 years, Khalasi,
S/o. Endu,
Khalasi in DIS/WAT.
38. Raichan, 40 years, Khalasi,
S/o. Jemu, C/o. IOW/C/VSKP;
39. D. Nageswar Rao, 40 years, Chowkidar,
S/o. Somayajulu,
C/o. IOW/C/SE Rly./VSKP;
40. K. Demudu, 40 years, Peon,
S/o. Veerappa,
C/o. SPM/D/VSKP;
41. Brushabo, 50 years, EC
S/o. Lakhan, C/o. DME/VSKP;
42. Tekey, 45 years, EC,
S/o. Kamulu,
C/o. DMS/SE Rly/VSKP;
43. Keshav Thyadi, 36 years, Roneo Operator,
S/o. AT Thyadi,
C/o. Dy. CEE/C/SE Rly./VSKP;
44. M. Sanyasi, 53 years, B.T.M.,
C/o. EFO/G/Con./SE Rly./VSKP;
45. CS Peterson, 42 years, Fitter,
S/o. Willson, C/o. MFO/OHE/C/SE Rly./VSKP;
46. M. Suryanarayana 34 years, Electrician,
C/o. EFO/C/KRPU;
47. Siriki Suri, 49 years, B. T.M.,
S/o. Sanyasi, C/o. EFO/G/Con./VSKP;
48. A. Thoudu, 42 years, Lineman Gr. II,
S/o. Appalaswari, C/o. EFO/GpCon./VSKP;
49. P. Simhachalam, 43 years, Chowkidar,
S/o. Naganna, C/o. EFO/OHE/C/VSKP;
50. G. B. Ramanna, 50 years, B. T.M.,
S/o. K. Naidu,
C/o. EFO/G/C/VSKP;

51. B.Pyditballi, 48 years, Lineman, Gr.III,
S/o.Sanyasi, C/o. EFO/G/C/VSKP;
52. M.Appanna, 45 years, B. T.M.,
S/o.Suryanarayana,
C/o. EFO/G/C/VSKP;
53. M.Thaviti Naidu, 46 years, PW Mistry,
S/o.Laxmayya,
C/o.SPM/D/VSKP;
54. P.Appa Rao, 46 years, Ferro-Printer;
S/o. Naganna, C/o.CDM/E/C/VSKP
55. S. V. Rammanarao, 42 years, Supervising Mistry,
S/o.Appa Rao,
C/o. EFO/OHE/C/VSKP;
56. L.Govinda Rajulu, Fitter Gr.II,
44 years, S/o.Suryanarayana,
C/o. EFO/OHE/C/VSKP;
57. T.Madhava Rao, 36 years, Driver, Gr.II,
S/o.Krishnamurthy, C/o. EFO/OHE/C/VSKP;
58. T.Thavatayya, 50 years, Blacksmith,
S/o.Achirayya, C/o. EFO/G./C./VSKP;
59. L.Nagamayya, 42 years, Khalasi,
S/o.Sanyasi, C/o. EFO/G/C/VSKP;
60. N.Appanna, 42 years, (Record Shifter);
S/o. Gopal, C/o. SPO/Con./SER/VSKP;
61. S.Ramam Babu, 53 years, Head Clerk,
S/o. Veeranna, Head Clerk, SPM/C/WAT's Office.
62. P.Sanyasi Rao, 44 years, Carpenter, Gr.II,
S/o.Appalla Swamy, C/o. EFO/OHE/C/VSKP;
63. R.Mallikarjun Rao, Khalasi,
35 years, S/o. Gurupaddam,
C/o. EFO/OHE/C/VSKP;
64. K.Nagaraju, 42 years, Mason, Gr.III,
S/o. Suryanarayan, C/o. EFO/G/C/VSKP;
65. B.Buchum Naidu, 43 years, Hammerman,
S/o.Appalla Swamy,
C/o. EFO/G/C/VSKP;
66. S.Krishna Rao, 38 years, Khalasi,
S/o.Mallayya, C/o. EFO/OHE/C/VSKP;

67. G. Vellayya, 46 years, Generator,
S/o. Tulasayya, C/o. EFO/G/C/VSKP;
68. G. Satyam, 42 years, Khalasi,
S/o. Perayya, C/o. EFO/G/C/VSKP;
69. D. Vellayya, 32 years, Khalasi,
S/o. Bangarayya, C/o. EFO/G/C/VSKP;
70. K. Laxman Rao, 38 years, Wireman, Gr. II,
S/o. Nagabhusan,
C/o. EFO/G/C/VSKP;
71. M. Thavitiah, 48 years, Mate,
S/o. Narayadu,
C/o. PWI/C/VSKP;
72. B. Sanni, Babu 48 years, Khalasi,
S/o. Paidaiiah,
C/o. EFO/G/C/VSKP;
73. I. Bandelu, 35 years, Khalasi,
S/o. Simhachalam, C/o. Dy. CEE/C/VSKP;
74. K. Devudamma, 45 years, Sweeper,
W/o. K. Yerraiiah, Sweeper,
Dy. CEE's Office/VSKP;
75. D. V. N. Murthy, 42 years, Senior Clerk,
S/o. Satyanarayana, Senior Clerk,
C/o. EFO/Con./RGDA;
76. M. Bhaskar Rao, 41 years, Lineman, Gr. II,
S/o. M. Raja Rao, C/o. EFO/C/RGDA,
77. S. Lingayya, 47 years, Khalasi,
S/o. Zachhayya, C/o. EFO/CON/RGDA,
78. B. Rama Rao, 45 years, MV Driver, Gr. II,
S/o. Chinnappadu,
C/o. EFO/C/RGDA,
79. B. Laxmi, 42 years, Record Shorter,
W/o. Late Rama Rao,
C/o. EFO/C/WKRE/VSKP;
80. K. Manikyam, 39 years, Khalasi,
W/o. Late Sambasiva Rao,
C/o. EFO/OHE/C/VSKP;
81. T. V. Satyanarayana, 40 years, Fitter Gr. III
S/o. Poli Naidu,
C/o. EFO/OHE/C/VSKP,
- S. J. M.

82. T. Ramulu, 53 years, B TM,
S/o. Appanna,
C/o. EFO/G/C/VSKP;
83. M. Sundar Rao, 50 years, Senior Clerk,
S/o. Ram Murthy, C/o. Cy. CEE/C/VSKP;
84. J. Chiranjivi, 48 years, Fitter Gr. II,
S/o. Padmanavan, C/o. EFO/C/OHE/VSKP;
85. Ch. Tatayya, 48 years, Store Khalasi,
S/o. Sannyasi, C/o. DSK/Stores/VSKP;
86. Y. Jagannatham, 40 years, Fitter Gr. III,
S/o. Balaram, C/o. EFO/OHE/C/VSKP;
87. B. Suryanarayan, 45 years, Lineman,
S/o. Appalswamy, C/o. EFO/G/C/VSKP;
88. M. Surappadu, 49 years, B TM,
S/o. Venkataswamy,
C/o. EFO/G/C/VSKP;
89. S. Venkateswarulu, 44 years, Khalasi,
C/o. EFO/G/C/VSKP;
90. T. Appayamma, 45 years, Female Khalasi,
S/o. Late Narayana, C/o. EFO/OHE/C/VSKP;
91. S. R. Begum, 49 years, Junior Clerk,
W/o. Sayeed Subhan, C/o. Dy. CSTE/C/VSKP;
92. S. Kalidas, 44 years, Junior Clerk,
S/o. Chinnalatchanna,
C/o. Dy. CEE/CpVSKP;
93. P. P. Raddy, 36 years, Xerox Operator,
S/o. late Appa Rao,
C/o. Dey. CEE/C/VSKP;
94. P. Sannyasi, 59 years, Retd. as Chowkidar,
S/o. Chennayya, C/o. N. S. N. Murthy,
Supervising Mstry, in the Office
of Deputy CEE/C/VSKP;
95. G. Simhachalam, 41 years, Chowkidar,
S/o. Sambhu Naidu, C/o. Dy. CEE/C/VSKP;
96. S. Mosayya, 41 years, Peon,
S/o. Damu, Peon,
C/o. Dy. CEE/C/VSKP;
97. L. Damudu, 43 years, Khalasi,
S/o. Somulu,
C/o. EFO/G/C/VSKP;

98. Sarju Ram, 52 years, Khalasi,
S/o. Chingi Ram,
C/o. EFO/G/C/VSKP;
99. M. Shankar Rao, 41 years,
DE Operator, Gr. III,
S/o. M. Ramaswamy,
C/o. EFO/Con./REGDA;
100. Mopada Sanni, 45 years, Khalasi,
S/o. M. Achhanna, C/o. EFO/C/RGDA;
101. B. Jagannath Rao, 41 years, Wireman, Gr. II,
S/o. Kamaraju, C/o. EFO/G/C/VSKP;
102. S. K. Das, 46 years,
S/o. S. K. Das, C/o. EFO/G/C/VSKP;
103. G. B. Malakar, 47 years, Peon,
S/o. S. C. Malakar, C/o. Dy. CEE/C/VSKP;
104. Harinandan Prasad 43 years,
S/o. Ramdas Prasad, MSM Gr. I,
C/o. S. I. /SER/CON/VSKP;
105. P. Rama Rao 45 years, Wireman, Gr. III,
S/o. Ramu Naidu, C/o. EFO/G/Con. 1/4 VSKP;
106. V. Someswar Mishra, Senior Clerk,
50 years, S/o. Balamukunda,
C/o. SPM/G/VSKP;
107. Manu, 40 years, EC, S/o. Debal,
C/o. DME/WAT;
108. Mahammad Nasim Khan, 54 years, Lineman, Gr. III,
S/o. Mohammad Abdul, Ghani Khan, C/o. EFO/OHE,/
VSKP;
109. G. P. Vittal, 34 years, Dak Runner,
S/o. G. S. Pravakar Rao,
C/o. Dy. CEE/C/VSKP;
110. M. Satya Rao, 45 years, Fitter Gr. II,
S/o. Demud, C/o. EFO/G/C/VSKP;
111. A. Nageswar Rao, 42 years, Fitter Gr. III,
S/o. Appa Swamy, C/o. EFO/G/C/VSKP;
112. M. Surya Rao, 51 years, Wireman, Gr. II,
S/o. Simhachhaam C/o. EFO/G/C/VSKP;
113. B. Ramakrishna, 40 years, Daftary,
S/o. Gopal Swamy, C/o. CPM/C/VSKP;
114. Bhanu, 50 years, EC, S/o. Nako, under DME/wat.

115. Asha Ram, 42 years, Chowkidar,
C/o. IOW/C/VSKP;
116. Maddila Apparao, 46 years, Mason,
S/o. Mutyalu, C/o. EFO/G/C/VSKP;
117. K.B. Bhaskar Rao, 47 years, Sr. Clerk,
S/o. K. S. Rao, C/o. EFO/C/OHE/VSKP;
118. Snamathi, 42 years, Female Khalasi,
W/o. late Ram,
C/o. Dy. CEE/C/VSKP;
119. Y. Prasad Rao, 43 years, ESM, Gr. II,
S/o. Rama Rao,
C/o. Dy. CSTE/C/VSKP;
120. Y. Appanna, 42 years, Khalasi,
S/o. Allaiah, C/o. EFO/G/C/VSKP;
121. Gajendra, 40 years,
S/o. Daso, Khalasi,
C/o. EFO/G/C/VSKP;
122. G. Jeevan Kumar, 34 years, Fitter Gr. II,
S/o. G. T. Das, C/o. EFO/OHE/C/VSKP;
123. A. Lalita, 40 years, Jr. Clerk,
D/o. V. S. N. Murthy, C/o. Dy. COS/C/VSKP;
124. B. Kurmayya, 38 years, PMistry,
S/o. Linganna, C/o. Dy. CEE/D/RGDA.
125. Md. Nana, 42 years, Fitter Gr. II
S/o. A. Nana, C/o. EFO/OHE/C/VSKP;
126. Ch. Tata, 51 years, Khalasi,
S/o. Appal Swamy, C/o. EFO/G/C/VSKP;
127. R. Surya Rao, 34 years, Khalasi,
C/o. EFO/G/C/VSKP;
128. M. Appa Rao, 45 years, BTM,
S/o. Narasingha Rao,
C/o. EFO/G/C/VSKP;
129. R. Adinayarayana, 32 years, Wireman, Gr. III,
S/o. Mukhalingam, C/o. EFO/G/C/VSKP;
130. V. Suryanarayana, 34 years, S/o. Narayana, Khalasi;
under EFO/OHE/C/VSKP.

..... APPLICANTS

By legal practitioner: M/s. G. A. R. Dora, V. Narsingh, Advocates.

-VERSUS-

1. Union of India through the General Manager,
South Eastern Railway, Garden Reach,
Calcutta-43.
2. Chief Administrative Officer,
(Project Survey and Construction),
South Eastern Railway,
At-Chandrasekharapur, Po. Bhubaneswar,
Dist. Khurda.
3. Senior Project Manager,
Office of the Chief Project Manager,
South Eastern Railway,
Visakhapatnam (AP).

..... RESPONDENTS.

By legal practitioner: Mr. B. Pal, Senior counsel for the
Railways.

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O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN:

In this Original Application under section
19 of the Administrative Tribunals Act, 1985, 130
applicants have prayed for a direction to the
Respondents to count their entire period of service
after completion of six months from the date of their
initial appointment as Casual employees for the purpose
of retirement benefits like Pension, Gratuity, DCRG
and leave salary etc.

S. Som.

2. Applicants' case is that they were engaged as Casual employees in various Group 'C' & 'D' posts in construction Project at Waltair on different dates between 1960-1969. After proper screening, all the Applicants have been regularly absorbed in the permanent establishment of the Railways in different dates between 1980-1989. Applicant No. 74 joined Class-IV service on casual basis on 1.7.1964 and has been regularised after screening on 23-12-1993, after about 29 years of continuous service. ^{Details of age of} Applicants, their initial appointment, ^{J Sm.} date from which their services were treated as regular, have been mentioned in a tabular statement at Annexure-1. It is stated that casual service of applicants for the period mentioned in Annexure-1 was continuous and without any break. Under Railway Establishment Manual Rule 2501(b) (i), a casual labour employed in a Project is entitled to be conferred with temporary status after six months of continuous service. In view of this, it is stated that the applicants should have been given temporary status on completion of 180 days of service from their initial appointment and thereafter, their service should have been counted towards retirement benefits. It is further stated that the applicants have rendered continuous and satisfactory service ranging from about 15-20 years before they were absorbed in regular establishment and this period of service is being ignored for the purpose of retirement benefits. Applicants have filed representation

J Sm.

dated 26-1-1993 at Annexure-A/2 and their association have also filed representation dated 29.1.1994, at Annexure-A/3 but without any result. Applicants have stated that the Hon'ble Supreme Court in D.S. Nakara- Vrs- Union of India have held that pension is not an ex-gratia payment but is a payment for the past service rendered. In view of this, the entire period of service of applicants, should be taken into account for the purpose of pension.

3. Respondents in their counter have opposed the prayer of applicants. They have stated that as per the definition of railway servant in para-102(43) of the Indian Railway Establishment Code, Vol. I, Casual labourers are not included in the definition of Railway servant. They have stated that casual labourers are entitled to get temporary status after six months of service but the period of service after acquiring temporary status will count towards retirement benefits only after they have been absorbed in regular establishment. Respondents have cited different decisions of Calcutta and Hyderabad Bench and distinguished the same. They have stated that the Hon'ble Supreme Court in the case of Ram Kumar Vrs. Union of India and others reported in 1989 CI SLJ(SC) 101 have observed that retiral benefits of pension are not admissible to the category of project casual labourers, who acquire temporary status. On the above grounds, the respondents have opposed the prayer of applicants.

SSm.

Respondents have also enclosed at Annexure-R/6, details service particulars of 130 employees.

4. I have heard Mr. G. A. R. Dora, learned counsel for the applicants and Mr. B. Pal, learned Senior Counsel (Railways) appearing for the Respondents and have also perused the records.

5. In support of his contention, learned counsel for the petitioners has relied on a decision of the Central Administrative Tribunal, Ernakulam - FULL BENCH in Original Applications 434/89 and 609/1989. That matter related to clerical employees under the Ministry of Defence and were employed as such with intermittent breaks. They were regularised in accordance with the Ministry of Defence Letter of 1967. Thus, the facts of this case are totally different from the situation of the applicants before me. Learned counsel for the applicant has also relied on a decision of the Madras Bench in K. G. Radhakrishna Panicker and others - Vrs. - Union of India and others in Original Application No. 485 of 1989 decided on 8.2.1992. Against this decision the Union of India went on appeal to the Hon'ble Supreme Court and the matter was decided in the case of Union of India and others Vrs. K. G. Radhakrishna Panickar and others reported in AIR 1998 SUPREME COURT 2073. In para-2 of Their order in the above case, Their Lordships of the Hon'ble Supreme Court have mentioned that these appeals before them raised the question whether employees

S. Som.

who were initially engaged as Project Casual Labourers by Railway Administration and were subsequently absorbed on a regular temporary/permanent post are entitled to have the services rendered as Project Casual Labour prior to 1-1-1981 counted as part of qualifying service for the purpose of pension and other retiral benefits. From this, it is clear that the point raised in this Original Application before me is exactly the same point which was considered by the Hon'ble Apex Court in the above decision. In that case, the Hon'ble Apex Court noted that benefit of temporary status was conferred on Project Casual Labour for the first time under the scheme approved by the Hon'ble Supreme Court in Inder Pal Yadav's case reported in 1985(3) SCR 837. On the basis of the said new benefits, Project Casual Labourers became entitled to count half of the period of service rendered as Project Casual Labour from 1.1.1989 on the basis of the order dated 14.10.1980 of Railway Board after being treated as temporary on the basis of the scheme accepted by the Hon'ble Supreme Court. Thus, service rendered as Project Casual Labour by employees, who are absorbed in regular permanent/temporary posts prior to 1.1.1981 would not be counted for the purpose of retiral benefits. In this decision, after analysing various earlier decisions and the decision of the Madras Bench in K.G. Radhakrishana Panickar's the Hon'ble Supreme Court observed as follows:

"We, are, therefore, unable to uphold the judgment of the Tribunal dated February, 8, 1991 when it holds that service rendered as Project Casual Labour by employees who were absorbed on regular permanent/temporary posts prior to 1.1.1981 should be counted for the purpose of retiral benefits and the said judgment as well as the judgment in which the said judgment has been followed have to be set aside. The Judgments in which the Tribunal has taken a contrary view have to be affirmed".

6. From this it is clear that the scheme of granting temporary status having come into force for the first time from 1.1.1981, the Project Casual Labourers can not claim temporary status on a date prior to 1.1.1981 and therefore, their period of service prior to granting of temporary status prior to 1.1.1981 can not be counted towards pensionary benefits.

7. In view of the above decision of the Hon'ble Supreme Court, I hold that the application is without any merit and the same is rejected but without any order as to costs.

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
3.3.2000

KNM/CM.