

Order dated 12.3.2002

The applicant was engaged as a casual labourer under the Railways since 1972. He was conferred with temporary status in 1981 and he continued to serve under the Railways, in temporary status, till 1990; when he faced superannuation. After his retirement, the Railways came forward with a scheme of regularisation and, as a result of implementation of the said scheme temporary status persons were taken to regular Establishment (PCR), in phases, w.e.f. 1973, 1984 and 1988; the benefits of which were not extended to the applicant. It is stated by the learned counsel for the Railways that since the applicant was not in active service (having been superannuated in the year 1990), the benefits of regularisation w.e.f. 1973, 1984 and 1988 were not extended to him.

When the benefits were extended retrospectively by the Railways, there was/are no reason not to extend such benefits to few others, simply because they faced retirement before the coming into force of the scheme. The persons like the applicant in fact served the railways for 20 years and/or more and the scheme came into force for such persons only. Therefore, the denial of such benefits to persons like the applicant, who served the railways for 20 years, would amount to denial of justice.

In the aforesaid premises this O.A. is allowed. Respondents are directed to examine the case of the applicant and provide notional regularisation/P.C.R. benefit to the applicant

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Free copy
of the order
of 12.3.02 given
to the both
counsel.

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from a retrospective date, appropriately, and, as a consequence, they should provide terminal/retrial benefits to the applicant, which shall also include the pensionary benefits/family pension.

This exercise ~~shall~~ ^{should} be completed within a period of three months hence.

The O.A. is allowed in the aforesated terms, but without any order as to costs.

J. S. Talwar
12.03.2002
MEMBER (JUDICIAL)