

ORDER DATED 04-03-2004.

Applicant rendered services to the South Eastern Railway as a Casual Labourer. Later he was given temporary status and, ultimately, he was brought over to the regular establishment of the Railways. On his retirement, the entire period of service rendered in the regular establishment plus 50% of the period he spent as a Casual Labourer with temporary status were computed for the purpose of granting him retiral benefits and he is being allowed all terminal benefits including monthly pension. By filing the present Original Application the Applicant has ~~nowhere~~ prayed that the entire period of service he rendered to the Railways as a Casual Labourer, ought to have been taken into consideration/computation for the purpose of granting him retiral benefits.

By filing a counter Respondents have pointed out that under the scheme of the Railway Board dated 14th October, 1980, ~~that~~ ^{was} scheme was brought (into force w.e.f. 1.1.81) to regularise the services of Casual Labourers and, accordingly, by looking to the seniority in ~~of~~ the Casual Establishment, casual labourers were given temporary status and, later, they were taken to permanent establishment. Under the scheme in question, there are less chance of giving them retiral benefits even if they are in permanent pensionable establishment, there was an inbuilt provision in the scheme to grant 50% of the period

Record received on
today.

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spent with temporary status for pension and that, under the said scheme the applicant is getting the retiral benefits. The Applicant who has filed a rejoinder, has placed on record the following decisions of different courts including that of the Hon'ble Apex Court of India and by placing these decisions into service, the Advocate for the Applicant has proceeded to say that the period spent by him as a casual labourer ought not to be ignored for the purpose of granting him the retiral benefits.

1. Bhaskar Parida Vrs. Union of India & Ors reported in 94 (2002) CLT 1(ATC);
2. Settlement Class IV Job Contract Employees Union, Balasore Vrs. State of Orissa and Ors. (rendered in OJC No. 2047/91 disposed of on 24-03-2002).
3. Sachin Prusty Vrs. Union of India & Ors. (O.A. No. 581/1996 disposed of on 24.4.2002).

Heard the learned counsel for both sides and perused the materials placed on record. It is seen that in the above two decisions of this Bench of the ~~Hon'ble~~ Tribunal, the applicants ~~were not~~ allowed to get even the minimum pension for their sustenance. The Hon'ble High Court of Orissa in the case of Settlement Class IV Job Contract Employee (supra) case had also directed for payment of minimum pension taking into consideration their past casual service. But here in this instant case, the Applicant has been allowed to receive the pension taking into consideration ~~his~~ ^{the} services rendered by him.

This Bench of the Tribunal in earlier similar
matters did not also interfere, where the employees
have been allowed to receive the minimum pension.

In the said premises, I find no merit in this
Original Application; which is accordingly dismissed.

No costs.

John
04.03.04
Member (Judicial)

Copy & return
04/3/04 to
the Counsel
for both sides.

W. Stephen
S.O.

PP
8/12/04