

O.A. No. 128 of 2005Order dated: 30.06.2008

CORAM:

Hon'ble Mr. Justice K. Thankappan, Member(J)
Hon'ble Mr. C.R.Mohapatra, Member (A)

Mr. S.K.Ojha, Ld. Standing Counsel for the Railways is present and heard.

This is the matter for admission and prayer of, the applicant is for counting of his past service while he was engaged by the Railways from 1961 to 1982. The submission of the applicant is that he was on medical leave from 1973 to 1982. But as per the department no medical certificate has been given regarding his fitness or unfitness for the employment and hence he was removed from service. However, on an appeal against the removal order, the Appellate Authority though found he is not entitled for reinstatement had given fresh appointment from 1.7.1984 as a Token Porter and, thereafter he remained silent till he retired from service. Regarding his counting of first service, however, after his retirement, he filed certain representation to the department for counting past service he had before his reappointment in 1984. However, the department has rejected the same, against which, the applicant approached this Tribunal by filing an O.A. and during pendency of the O.A., the counsel appearing for the applicant submitted that he may be given a chance for filing of representation before the authorities. Accordingly that O.A. ~~stands~~ disposed of directing the applicant to file representation. Thereafter, the

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authorities have found that the applicant is not entitled for counting his past service as no record has been produced even at the time of enquiry that the applicant was on medical leave. Hence the application or the representation of the applicant has been dismissed. Accordingly, against ~~which~~^{this}, the present O.A. has been filed.

Considering all the grounds in the O.A., we are of the view that the stand taken by the department is fully correct and justified. Accordingly, the applicant is not entitled for counting of past service whatever he may have before 1984.

In the aforesaid circumstances, the O.A. stands dismissed.

~~Chap~~
MEMBER (A)

Kappan
MEMBER (J)