

O.A. No. 114 of 2006

Order dated: 13.03.2008

CORAM:

Hon'ble Shri C.R.Mohapatra, Member (A)

Mr. R.K.Samantsingher, Ld. Counsel appears for the Applicant and Mr. B.B.Pattanik, Ld. Counsel appears for the Respondents. Ld. Counsel for the Applicant pleads that the pension as well as other financial benefits relating to pension have not been released in favour of the Applicant by the Respondents.

2. The Applicant was initially working as casual labourer under the Railway in different spells up to 02.07.1987. On 02.07.1987, after completion of 120 days of his continuous service he was conferred with temporary status. Subsequently, the Applicant was regularized on 07.03.1994.


3. The service record of the Applicant was produced by the LD. Counsel for the Respondents. It is seen from the service record that the Applicant was granted CPC Scale of Pay w.e.f. 02.07.1987 vide AEN-KUR NO. 60/87 Dt. 13.07.1987. This would imply that the Applicant was conferred with temporary status from 02.07.1987 and not from 25.11.1989, as reflected in the Service Certificate (Annexure-A/2) as well as in Para-2 of the counter. Thus, there is no dispute that the Applicant came under temporary status w.e.f. 02.07.1987 and there is also no dispute

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regarding the date of regularization which is 07.03.1994 as stated in the Counter. He superannuated from Railway service on 31.08.2000.

4. Ld. Counsel for the Applicant cited Rule-20 of the Railway Service (Pension) Rules, 1993. A close reading of this Rule reveals that these provisions are of no help to the Applicant as the Applicant was appointed as a casual labourer and continued to work in broken spells and acquired temporary status only from 02.07.1987 followed by regularization w.e.f. 07.03.1994 and superannuated on 31.08.2000.

5. Keeping in view the above service profile of the Applicant, prima facie it appears that he has the required pensionable service of 10 years in terms of Annexure-A/4 dated 03.01.1991 and hence would be entitled to get the pension as well as other pensionary benefits as per the rules of the Railways. Accordingly, the Respondents are directed to consider his claim regarding pension and other related claims within a period of three months from the date of communication of this order and disburse his payments as due and admissible within a period of one month thereafter. The Respondents are also directed to consider the payment of interest as per rules on the question of delayed payment.

6. In the result, the O.A. is allowed. No order as to costs.


MEMBER (A)