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O.A. No.615/06

ORDER DATED 18th DECEMBER, 2008

Coram:

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

Heard Mr. R. K. Samantasinghar, Ld. Counsel for the applicant and Mr. B.K. Mohapatra, Ld. Addl. Standing Counsel for the Respondents.

2. The applicant has filed this Original Application under Section 19 of the Administrative Tribunals Act, 1985, claiming that he is entitled for pensionary benefits and therefore, he has prayed for a direction to the Respondents to take into consideration 50% of the period of his casual service with temporary status from 01.01.1986 i.e., the date from which he was granted C.P.C. Scale, while calculating the total qualifying service for the purpose of pensionary benefits.

3. A counter has already been filed taking the stand that the applicant was not given temporary status as he claimed but 50% of the period of service of the applicant as casual Gangman with temporary status from 11.05.1990 to 30.04.1996 plus cent percent regular service of the applicant from 01.05.1996 to 28.02.2002 came to 08 years, 09 months and 08 days, which fell short of the minimum qualifying period of service for pension, i.e., 10 years. However, it is the contention

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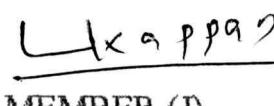
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of the applicant that unless and until the applicant was assigned the temporary status he was not entitled for Central Pay Commission Scale. The fact that the Central Pay Commission Scale has been allowed to the applicant from 01.08.1987 is not disputed before us. If so, we are of the view that unless and until a casual employee is not assigned temporary status he is not entitled for Central Pay Commission Scale.

4. In the above circumstances we are of the view that the date of allowing Central Pay Commission Scale to a casual employee is the cut off date for granting him temporary status and if so, 50% of the entire period of service of the applicant from 01.08.1987 to 30.04.1996 has to be taken into consideration along with the regular service for the purpose of determining the qualifying period of service for pension. Hence, we direct the Respondents to consider the claim of the applicant for granting him pensionary benefits by taking into account his temporary services which he has had in his account from the date of allowing him the Central Pay Commission Scale, i.e., w.e.f. 01.08.1987. The calculation of the pensionary benefits to the applicant shall be considered and final orders passed within 90 days of the receipt of the copy of this order.

The O.A is allowed to the extent indicated above.
No costs.


Member (A)


MEMBER (J)