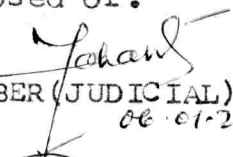



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NOTES OF THE REGISTRY	ORDERS OF THE TRIBUNAL
	<p>to prosecute this case jointly is <u>allowed</u> ; subject to payment of Rs.4000/- in shape of Indian Postal Order by Mr.V.Prithiviraj, learned counsel for the Applicants, who undertakes to deposit I.P.O. worth of Rs.4000/- by 14.1.2003. On receipt of the said Postal Order worth of Rs.4000/-, this O.A. No.1175/02 be confined to Applicant No.1 and separate Original Application Nos. be given to each of the Applicants (Nos. 2 to 95) for statistical purposes. With the above, M.A.1176/02 is allowed and accordingly disposed of.</p> <p style="text-align: right;">  MEMBER (JUDICIAL) 06.01.2003 </p> <p><u>Order No.2 dated 6.1.2003</u></p> <p>Heard Mr.V.Prithiviraj, learned counsel for the Applicants and Mr.R.C.Rath, learned Standing Counsel for the Railways, on whom a copy of this Original Application has been served.</p> <p>Applicants served the Railways, on casual basis, for a good long time and, ultimately, were taken to regular establishment. While continuing in the regular Establishment, they were superannuated. Their entire service in the Railways, either in the casual Establishment/with Temporary Status and in the regular Establishment, having not been computed for qualifying service to get full pension, they have come up in this Original Application under Section 19 of the Administrative Tribunals Act, 1985, for a direction to the Respondents to count the entire period of their services in the Railways for the purpose</p> <p style="text-align: right;">  </p>

of calculating the pension/full pension.

It appears that 50% of their temporary status period was only computed for the purpose of determination of pension. They are claiming full benefits of temporary status period and the casual service period; because their eyes have been opened for the reasons of the following decisions of the Hon'ble Apex Court of India, of the Hon'ble High Court of Orissa and of this Tribunal:-

- i) AIR 1985 SC 356 - State of Kerala and Others vs. M. Padmanabhan Nair
- ii) 1995 AIRSCW 370 - Yashwant Hari Katakhar vs. Union of India & Ors.
- iii) ONC No.2047/1991 Settlement Class IV Job (disposed of on - Contract Employees Union, 24.3.1992) Balasore vs. State of Orissa and Others
- iv) O.A.No.581/1996 Sachi Prusty vs. Union of India & Others (disposed of on - 24.4.2002)
- v) 94(2002)CLT 1(ATC) Bhaskar Parida vs. Union of India & Others
- vi) OA Nos.843, 844, 853 & 854 of 1994 (disposed of on 30.1.1995 by the Ernakulam Bench)

In the aforesaid cases, it has been decided that in order to provide minimum pension, such of the periods required to provide the minimum pension should be brought from the previous casual employment/temporary status period even if there are break(s) as the payment of pensionary dues is no more bounty and one earns pension for the dedicated service rendered to the State.

In the aforesaid premises, these O.As are disposed of giving liberty to each of the Applicants to make representation by giving all details to the Respondents/Authorities to provide them the benefits

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what they are seeking in the present O.As. The Applicants should submit their respective representations by the end of February, 2003, by enclosing copies of the aforesaid judicial dictums/decisions and other material particulars. The Respondents/Authorities are hereby also directed to examine each of the representations of the Applicants and grant them necessary relief, as due and admissible under the Rules/judicial pronouncements, by the end of June, 2003.

With the aforesaid observations and directions, all these O.As (95 in number) are disposed of, leaving the parties to bear their own costs.

Send copies of this order, along with copies of O.A. to the Respondents and 95 numbers of free copies be handed over to Dr.V.Prithiviraj, learned counsel for the Applicants, who undertakes to transmit the same to each of the Applicants at the earliest dispatch. Free copies of this order be also given to learned Standing Counsel for the Railways, Mr.R.C.Rath.

Manoranjan Mohanty
(MANORANJAN MOHANTY)
MEMBER (JUDICIAL)
06.07.2003

KNM/CM

Copy of order dt. 6.1.03
a/w O.A copy issued
to all the respects, by
posts.

The same copy issued
to Counsel for both sides.
(95 numbers of copy copies
to Dr. V. Prithiviraj, Adv.)

[Signature]
30.1.03

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29/1/03

S.O.