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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A. No.1178 of 2002
Cuttack this the 28th day of August, 2012

Rani Sahoo & Ors. Applicants
Versus
Union of India & Ors. Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not?
2. Whether it be circulated to Principal Bench, Central Administrative Tribunal or not?


(A.K.PATNAIK)
MEMBER (JUDL.)


(C.R.MOHAPATRA)
MEMBER (ADMN.)

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CENTRAL ADMINISTRATIVE TRIBUNAL
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Cuttack this the 28th day of August, 2012

CORAM:

THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (A)

AND

THE HON'BLE MR. A.K.PATNAIK, MEMBER (J)

...

1. Rani Sahoo, aged about 71 years, W/o. late Krushna Sahoo
2. Shakuntala Sahoo, aged about 38 years, D/o. late Krushna Sahoo.
3. Laxmi Priya Sahoo, aged about 36 years, D/o.late Krushna Sahoo.
4. Benudhar Sahoo @ Bihodar Sahoo, aged about 34 years, S/o. late Krushna Sahoo.
5. Binod Bihari Sahoo,aged about 32 years, S/o. late Krushna Sahoo.
6. Sukanti Sahoo, aged about 30 years, D/o. late Krushna Sahoo.
7. Bijay Kumar Sahoo, aged about 28 years, S/o. late Krushna Sahoo.

All are of village/PO-Kantia, PS-Jatni, Dist-Khurda

...Applicants

By the Advocates:M/s.U.N.Mishra & P.K.Mohanty

-Versus-

1. Union of India represented through General Manager, East Coast Railway, Chandrasekharpur, Bhubaneswar.
2. Divisional Railway Manager, South Eastern Railway, Khurda Road Division, At/PO-Jatni, District-Khurda.
3. Senior Personal Officer (Welfare) South Eastern Railway, Khurda Road division, At/PO-Jatni, District-Khurda.
4. Divisional Personal Officer, South Eastern Railway, Khurda Road Division, At/PO-Jatni, District-Khurda.

...Respondents

By the Advocates: Mr.M.K.Das, ASC

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ORDER

C.R.MOHAPATRA, MEMBER(A):

While the matter was sub judice before this Tribunal, the original applicant, Krushna @ Krushna Chandra Sahoo having passed away, the above mentioned applicants, being the legal heirs have been substituted.

2. In this Original Application, the following relief has been sought.

“All pensionary benefits with the gratuity amount due to the applicant may kindly be allowed and the applicant being a casual labourer was reasonably entitled to be retired at the age of 60. Since his service towards pension has been counted from the year 1966, instead of 1956, his past services for the periods of about 10 years should be added for his pensionary benefits”.

3. Respondent-Railways have filed their counter opposing the prayer made in the Original Application. According to them, the original applicant having been granted Temporary Status with effect from 4.2.1966, as per extant Rules, 50% of service rendered as such together with regular service from 6.6.1982 for the purpose of qualifying service for pension, which worked out to 21 ½ years uptill 31.1.1995, when the original applicant retired from service on superannuation on attaining the age of 58 years has been taken into account and accordingly, pensionary benefits calculated and PPO dated 21.2.2002 issued. In the circumstances, Respondents have stated that there being no infringement of any rule or instruction, the O.A being devoid of merit is liable to be dismissed.


4. We have heard Shri U.N.Mishra, learned counsel for the applicants and Shri M.K.Das, learned Counsel appearing on behalf of the Respondents. Admittedly, applicant has produced some certificates vide Annexure-A/3 wherein the Inspector of Works of erstwhile S.E.Railway, Khurda Road, has certified the original applicant(Krushna) to have worked under him as a casual Khalasi since 1956 with little breaks of service on and after against T.G.Sanctions. However, no document has been filed on behalf of the original applicant or the substituted applicants, as the case may be, showing that prior to 24.2.1966, original applicant had been conferred with Temporary Status.

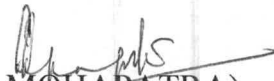
5. For the sake of clarity and transparency, we had called upon the Respondents for production of the Service Book in respect of Krushna/original applicant. Accordingly, learned counsel, Shri .M.K.Das did produce the same. Though the Service Book has been defaced and in a bad shape, yet the crucial date, i.e., 24.2.1966 is clearly visible on which date the original applicant had been granted the scale of Rs.75-110/- as stated by the Respondents in the counter.

6. However, it is the case of the applicants that as the original applicant had been engaged in the year 1956, pension and pensionary benefits should be granted only from 1956. As referred to above, the certificate produced by the original applicant relates to his having worked on casual basis with some break against T.G.

sanctions. We find that the Respondent-Department have taken into account 50% of the period accruing on the original applicant from 24.2.1966 when he was conferred with temporary status as CPC Gangman and this was not at all the disputed point till 5.5.1982. Further 100% regular service from 6.6.1982 till the date of his retirement on 31.1.1995 has been taken into account for the purpose of pension and pensionary benefits, we are of the view that no case has been made out by the applicants so as to grant them relief as sought in this O.A.

7. In the circumstances, the O.A. is held to be without any merit and accordingly, the same is dismissed. No costs.


(A.K.PATNAIK)
MEMBER(JUDL.)


(C.R.MOHAPATRA)
MEMBER (ADMN.)