K. Khatua Vrs. UOI

Pronouncement of Orders Sl. No. 1
O.A. No. 260/776 of 2010
Order dated 13.02.2017

CORAM
HON'BLE SHRI R.C.MISRA, MEMBER (ADMN.)
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Orders passed by the Division Bench is pronounced in the open court vide separate sheets attached with the record. For the reasons already recorded therein, this O.A. stands dismissed.

MEMBER (Admn.)

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

<u>O.A.No.776 of 2010</u>
Cuttack this the 13th day of February, 2017

Khetra Khatua ...Applicant

-VERSUS-

Union of India & Ors....Respondents

<u>FOR INSTRUCTIONS</u>

1.   Whether it be referred to reports or not ?

2.   Whether it be referred to CAT, PB, New Delhi
      for being circulated to various Benches of the
      Tribunal or not ?

(S.K.PATTNAIK)   **(R.C.MISRA)**
MEMBER(J)   **MEMBER(A)**

I authorise Hon'ble member Mr. R.C.Misra to pronounce the judgment on our behalf if found in order

I have agreed. List it for pronouncement on 13/2/2017.

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.776 of 2010
Cuttack this the \3 \4 day of February, 2017

CORAM:
HON'BLE SHRI R.C.MISRA,MEMBER(A)
HON'BLE SHRI S.K.PATTNAIK,MEMBER(J)

Khetra Khatua, aged about 71 years, S/o. late Kangali
Khatua,Vill/PO-Kendrapada, Dist-Bhadrak

...Applicant

By the Advocate(s)-M/s.S.B.Jena
S.Behera
S.Soren
-VERSUS-

Union of India represented through:
1.   The General Manager, East Coast Railway, Rail Vihar, PO-
Chandrasekarpur, Bhubaneswar-23

2.   Senior Divisional Personal Officer, East Coast Railway,
Khurda Road, at/PO/Dist-Khurda

3.   Senior Divisional Accounts Officer, east Coast Railway,
Khurda Road, Khurda, At/PO/Dist-Khurda

4.   Superintending Engineer (Permanent Way), East Coast
Railway, Bhadrak, At/PO/Dist-Bhadrak

5.   Permanent Way Inspector, East Coast Railway, Bhadrak,
At/Po/District-Bhadrak

...Respondents

By the Advocate(s)-Mr.R.N.Pal

ORDER
S.K.PATTNAIK,MEMBER(J):

Applicant, who retired from Railway service with effect

from 31.12.1996, has filed this Original Application for

direction to be issued to Respondents to count his past service

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from 24.10.1969 to 11.05.1990 for the purpose of pensionary benefits and the retirement benefits and to grant the consequential benefits accrued thereon.

2.   Applicant has enclosed in this O.A. a declaration for retired employee (A/8) wherein he has given a declaration regarding his period of service from 11.5.1990 to 31.12.1996. The service certificate enclosed under A/5 discloses the period of service from 11.05.1990 to 31.12.1996.

3.   Respondents in their counter have categorically stated that in order to sanction pension to the applicant, qualifying service was calculated by taking into account 50% of casual service with temporary status, i.e., 11.5.1990 to 4.6.1995 and 100% regular service from 5.6.1995 to 31.12.1996, i.e., till retirement which works out to four years one month and nine days. Since the minimum period of regular service is 10 years for becoming eligible for pension, applicant is not entitled to the under Rule-69(b) of Railway(Services Pension) Rules, 1993.

4.   From the above undisputed facts, we are of the opinion that there is no wrong in the calculation or approach of the railway authorities calling for our interference. Since the applicant had not completed the 10 years of qualifying service whether as a temporary status or as regular employee, as the case may be, he is not entitled to pension. The O.A. has been filed under misconception and as such, applicant is not entitled to any relief. Needless to say that applicant has enclosed

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documents showing his periodical spells of working as temporary casual labour for certain period. But that will not count as the qualifying period of service for the purpose of pension.

In the result, the O.A. being devoid of merit is dismissed. No costs.

(S.K.PATTNAIK)
MEMBER(J)

(R.C.MISRA)
MEMBER(A)

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