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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH; JODHPUR.**

O.A.No. 248/2005 with M. A.137/2006
Date of order: 24.11.2006

HON'BLE MR. J.K. KAUSHIK, JUDICIAL MEMBER

Prem Sukh Sharma S/o Shri Khubi Ram Ji Sharma, aged about 65 years, by caste - Brahmin, resident of - Ward No. 26, Behind Railway Filter Plant, M.G. Suratgarh, District Sri Ganganagar (Raj.), last worked as S.K. Fitter-II, Loco Shed, Suratgarh, North - West Railway, Bikaner Division, Bikaner (Raj.).

...Applicant.

Mr. Narendra Rajpurohit, Advocate brief holder for
Mr. Dron Kaushik, counsel for the applicant.

VERSUS

1. Union of India, through General Manager, North-West Railway, Jaipur (Raj.).
2. Divisional Railway Manager (D.R.M.), North-West Railway, Bikaner Division, Bikaner (Raj.).
3. Divisional Personnel Officer (D.P.O.), North-West Railway, Bikaner Division, Bikaner (Raj.).

...Respondents.

Mr. N. K. Khandelwal, counsel for respondents.

ORDER

Shri Prem Sukh Sharma, the applicant, has filed this Original Application under Section 19 of the Administrative Tribunals Act, 1985, wherein he has prayed that his qualifying service for grant of pension and other retiral benefits may be reckoned as 32 years 1 month and 18 days instead of 30 years 6 months and 29 days. He has claimed the consequential benefits on the basis of further actual qualifying service as claimed by him.

2. I have heard learned counsel for both the parties on number of occasions and today the arguments were concluded.

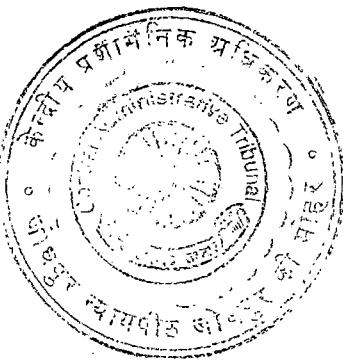
3. Learned counsel for the respondents has taken a lot of pain in this case and has furnished all the relevant records

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regarding the period of absence of the applicant which has not been counted towards his qualifying service and that period comes to be 558 days and a detailed chart in respect of the same has been filed along with the reply. No rejoinder has been filed on behalf of the applicant and an additional affidavit has been filed, which is in a distinct matter relating to balance of the leave, wherein it has been mentioned that as per the reply of the respondents, the applicant was having leave account of 55 days whereas it was admitted that he was having a balance of 88 days LAP.

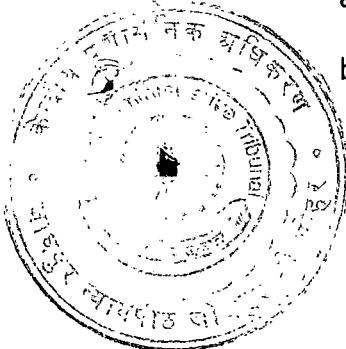
4. I have considered the submissions put forth on behalf of both the parties. Incidentally, there is no prayer regarding any leave of encashment for 88 days instead of 55 days. The prayer is only relating to the reckoning of qualifying service. Learned counsel for the applicant pointed out that there were two periods i.e. one period is relating to removal from service from 22.07.1982 to 30.04.1983 and another is suspension period of the applicant from 04.07.1981 to 22.07.1982, which has not taken into consideration. On the other hand, learned counsel for the respondents has demonstrated that all these period have been duly taken into account. The interregnum period during which the applicant was not in service as a result of removal order, has been treated as leave due, from 22.07.1982 to 30.04.1983 and other part of suspension from 04.07.1981 to 22.07.1982 has been regularised as leave without pay. He has also submitted that the suspension period was already included in the qualifying service. The position as brought in the reply has not been refuted or controverted by the applicant by way of



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rejoinder. Thus, I have no reason to disbelieve the version of the respondents; rather I find that the action of the respondents has been quite fair and nothing wrong has been committed by them. Their action is upheld being in consonance with the rules.

5. In the premises, the Original Application No. 248/2005 and the Miscellaneous Application No. 137/2006 are dismissed but with no order as to costs.



J K Kaushik
(J K KAUSHIK)
JUDICIAL MEMBER

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