

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.542/2008

Wednesday this the 17 th day of September, 2008.

CORAM:

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

K.V.Devassy, S/o Vareed,
Retired Keyman,
Inspector of Works,
Southern Railway, Aluva,
residing at Kolangara House,
Avanamcode, Chawara, Aluva.

Applicant

(By Advocate Shri K.A.Abraham)

Vs.

1. Union of India represented by
the Secretary, Railway Board,
Rail Bhavan, New Delhi.
2. The Divisional Railway Manager,
Southern Railway, Thiruvananthapuram.
3. The Senior Divisional Personnel Officer,
Southern Railway,
Thiruvananthapuram.

Respondents

(By Advocate Mr.Thomas Mathew Nellimoottili)

The application having been heard on 17.9.2008,
the Tribunal on the same day delivered the following:

ORDER

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

The applicant who has superannuated on 30th April, 2008 is aggrieved by the alleged fact that the respondents have not reckoned 50% of his casual labour service after acquiring temporary status, as qualifying service for computation of pensionary benefits. He has relied upon the decision dated 28th November, 2005 in OA No. 623/04 and other connected matters, of this Bench of the Tribunal vide Annexure A-8. He has given his career particulars of casual labour service vide Annexure A-1 to A-3. His

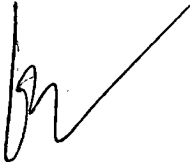


services are stated to have been regularized w.e.f. 31-12-1983, vide Annexure A-5. If his qualifying service included 50% of the temporary service, then date of appointment would be much anterior to the one given in Annexure A-6. This period of casual labour service, according to the applicant ought to have, to the extent admissible, been considered by the railway authorities of their own, instead of the applicant reminding them. He has also relied upon a circular of the Railways vide Annexure A-7 that the Railways would suo moto take steps to examine all the past cases on the basis of records available and settle the claim accordingly.

2. A perusal of the applicant goes to show that the applicant has not approached the Railway Authorities in regard to the above grievances. In fact, it would have been more appropriate if the applicant had first approached the authorities and only in case they reject his claim he could come to the Tribunal.

3. Law relating to the reckoning of temporary status service to the extent of 50% has been crystallized and Annexure A-8 is one such order on the subject. On the lines of the same, the respondents are to consider the case of the applicant.

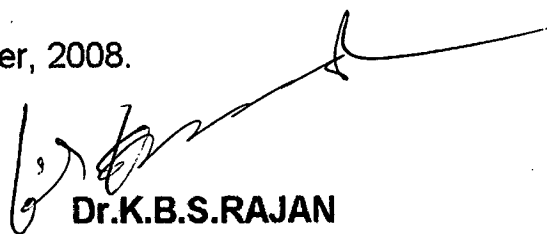
4. In view of the fact that the applicant has not made any representation, it is felt that interest of justice would be met if a direction be given to the respondents to treat the entire OA as a representation of the applicant and **on the lines of the decision** of the Tribunal vide Annexure A-8. The respondents shall process the case of the applicant. It is open to them to seek clarifications if any in regard to the service particulars of the applicant, in addition to what has been furnished by him vide Annexure A-1



to A-3. In case the respondents are of the opinion that the case of the applicant is not identical to the one decided vide Annexure A-8, they may inform the applicant accordingly giving the reasons for variation. Instead, if the case of the applicant is identical to the ones decided by the Tribunal, due action to reckon 50% of the temporary service be taken and the total qualifying service re-worked out and the pension etc., revised. This drill shall be completed within a period of six months from the date of communication of this order.

5. O.A. Stands disposed of. No orders as to cost.

Dated the 17th September, 2008.



Dr.K.B.S.RAJAN
JUDICIAL MEMBER