

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A. NO. 549 OF 1997.

Tuesday this the 21st day of December, 1999.

CORAM:

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

HON'BLE MR. J.L. NEGI, ADMINISTRATIVE MEMBER

(By Advocate Shri T.C. Govindaswamy)

vs.

1. Union of India, through the General Manager, Southern Railway, Headquarters Office, Park Town P.O., Madras-3.
2. The Senior Divisional Personnel Officer, Southern Railway, Trivandrum Division, Trivandrum-14.
3. The Divisional Railway Manager, Southern Railway, Trivandrum Division, Trivandrum-14.

Respondents

(By Advocate Shri K.V. Sachidanandan)

The application having been heard on 21st December, 1999

the Tribunal on the same day delivered the following:

ORDER

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant who retired as Keyman, Southern Railway, Trivandrum Division on 30.6.1996 has filed this application challenging the order dated 29.11.96 (A1) by which his claim for counting of service with effect from 1962 has been rejected on the ground that the applicant did not submit any document to show that he was working under PWI(Open Line)/Mavelikkara from 1962 and that he was granted

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temporary status on 21/3/1975 on working continuously from 27.11.74. The applicant states that as he had worked continuously for a period of six months as on 21.10.64 he had attained temporary status on that date and therefore the respondents are bound to count his entire service from 21.10.64 upto 21.10.78 also as qualifying service for pension or in the alternative to count at least 50% of his service from 21.10.64 to 21.10.78 as qualifying service for pension and for a direction to the respondents to revise his retiral benefits accordingly.

2. It has been alleged in the application that the applicant has rendered continuous casual service in the open line from 20.10.64 and had attained temporary status with effect from 21.10.64 on a sanctioned post and that [therefore, the entire period from 21.10.64 till the date of superannuation has to be treated as qualifying service for pension. The applicant has also stated that in the event of the respondents take a stand that the applicant was not a substitute from 21.10.64 at least half the service thereafter till the date of his absorption on the post of Gangman i.e. on 20.10.78 is to be treated as qualifyuing service for counting pension.

3. The respondents in the reply statement have contended that the applicant after a continuous service in the open line as casual labourer was granted temporary status from 21.3.75 on completion of 4 months continuous service from 21.11.74, that he was later appointed as a Substitute Gangman with effect from 21.10.1978 and that the period from 21.10.78 and 1/2 the period from 21.3.75 to 21.10.78 has been reckoned as qualifying service for pension as per rules. The period of qualifying service of the applicant having been counted strictly in accordance with the rules, the respondents contend that the applicant is not

entitled to any relief sought in the application. Referring to the casual labour card (A2) produced by the applicant the respondents contend that it is not an authentic document and it cannot be relied on. The applicant's service in open line was only from 1974, according to respondents.

4. We have perused the entire pleadings in the case and materials placed before us and also heard the learned counsel on both sides. The sole question in this case is whether the applicant had rendered casual service continuously from 21.4.64 as contended by the applicant. The only document the applicant has produced to support his claim is A2. It does not show that the applicant was working as a casual labour under the open line during the period in question. The A2 does not contain either the name of the applicant or the name of his employer. There is nothing in the document to show that it is an authentic document. The contention of the respondents that the applicant commenced his service in the open line only with effect from 21.11.74 and that he was granted temporary status with effect from 21.3.75 rightly is more acceptable on the basis of the records available. If the applicant had a claim for grant of temporary status with effect from the year 1964, we are at loss to understand why he did not agitate that issue till 21.3.75 when he was granted temporary status.

In the light of what is stated above we find no merit in the O.A and the same is dismissed. No costs.

Dated the 21st December 1999.

J.L. Negi
J.L. NEGI
ADMINISTRATIVE MEMBER

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A.V. Haridasan
A.V. HARIDASAN
VICE CHAIRMAN

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List of Annexures referred to in the order:

Annexure A1: A true copy of the letter No. V/P 626/PA/96/27
dated 29.11.96 issued by the third respondent.

Annexure A2: True copies of the Service Cards of the applicant
for the period from 1.10.63 to 21.12.77 issued
by the Permanent Way Inspector, Southern Railway,
Mavelikkara.