

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.586/97

Wednesday, this the 14th day of October, 1998.

CORAM:

HON'BLE MR AM SIVADAS, JUDICIAL MEMBER

K.P.Velayudhan,
Retired Senior Gate Keeper,
Kallayi, Office of the
Chief Permanent Way Inspector,
Southern Railway, Calicut,
residing at Jalaja Nivas,
Chettipadi.P.O.
Parappanangadi,
Malapuram District. PIN:676 319

- Applicant

By Advocate Mr VR Ramachandran Nair

Vs

1. Union of India represented by
the General Manager,
Southern Railway,
Madras.
2. The Divisional Railway Manager,
Southern Railway,
Palghat.
3. The Divisional Personnel Officer,
Southern Railway,
Palghat.

- Respondents

By Advocate Mr Mathews J Nedumpara

The application having been heard on 14.10.98, the
Tribunal on the same day delivered the following:

O R D E R

The applicant seeks to issue a direction to the respondents
to count his service from 21.3.62 for the purpose of pension and
other consequential benefits.

2. The applicant says that he was initially appointed as a
substitute Gangman on 21.3.62. The grievance of the applicant is

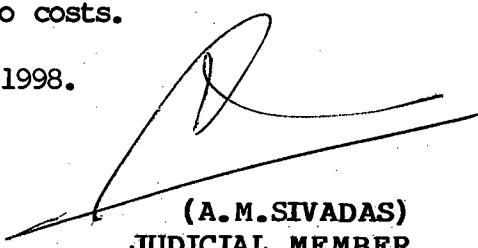
that his service prior to 6.7.64 has not been taken into consideration for the purpose of retiral benefits. The respondents contend that the applicant was engaged as a substitute with effect from 6.7.64 and accordingly full service as a substitute after attainment of temporary status on completion of 4 months of continuous service has been taken into account while calculating his pensionary benefits.

3. The only question to be solved is whether the applicant was working as Gangman prior to 6.7.64, because his service with effect from 6.4.74 has been taken into consideration.

4. As per order dated 26.9.97, respondents were directed to produce the service register of the applicant and also the document showing disbursement of the Provident Fund amount to the applicant. In pursuance of the said direction, respondents have produced R.1 in proof of payment of the Provident Fund to the applicant. There is no dispute as to R.1. From R.1 it is seen that the Provident Fund account of the applicant was opened in the year 1965. That being so, at the best the applicant would have been engaged in the year 1964. Today the service register of the applicant is also made available. The same is not under dispute. From the same it is seen that the applicant was engaged as substitute Gangman from 6.7.64. So from the records made available it is clear that the stand of the respondents that the applicant was engaged as substitute Gangman with effect from 6.4.64 is only to be accepted. There is no material to show that the applicant was working as substitute Gangman with effect from 21.3.62. Since his service from 6.7.64 has been taken into consideration for retiral benefits and in the absence of any material to show that he was appointed as substitute Gangman on 21.3.62 this O.A. is only to be dismissed.

5. Accordingly the O.A. is dismissed. No costs.

Dated, the 14th October, 1998.


(A.M.SIVADAS)
JUDICIAL MEMBER

LIST OF ANNEXURE

Annexure R1: True copy of the non-contributory
provident fund ledger account in
respect of the applicant.

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