

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 599 of 1996.

Wednesday this the 1st day of July 1998.

CORAM:

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

M. Purushothaman, Aged 64,  
(Junior Technical Assistant (T-I-3),  
Central Plantation Crops Research  
Institute Regional Station,  
Kayamkulam, retired on 31.5.1993),  
Gurunathantharayil, Krishnapuram,  
Kayamkulam.

.. Applicant

(By Advocate Shri P.V. Mohanan)

Vs.

1. The Director,  
Central Plantation Crops Research  
Institute, Kudlu P.O., Kasaragod

2. The Joint Director, Central  
Plantation Crops Research Institute,  
Regional Station, Kayamkulam,  
Post Krishnapuram.

.. Respondents

(By Advocate Shri C.N. Radhakrishnan)

The application having been heard on 1st July 1998,  
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Applicant who retired as Junior Technical Assistant in  
the Central Plantation Crops Research Institute, Regional Station,  
Kayamkulam, submits that he had worked as a Casual Labourer  
from February 1961 till he was appointed against a substantive  
vacancy on 2.3.1964. His grievance is that, that period is not  
counted as a qualifying service for pensionary benefits. He  
had submitted a representation dated 27.7.95 and in reply  
the impugned order A-3 dated 2.1.1996 was issued stating that  
there are no authentic records in proof of his service as  
Casual Employee during the period from February 1961 to  
1.3.1964 and rejecting his request. Applicant submits that  
the records are available and that as seen from A-1 dated  
26.10.1962 he was working as Casual Employee from February 1961.

2. Respondents in the reply statement have submitted that the claim is highly belated and barred by limitation. They also submit that Muster Rolls of Casual Labour engaged during the year from 1961 to 1964 have since been traced out and that the applicant had worked for 11 days in 1961, 218 days in 1962, 271 days in 1963 and 48 days in 1964. They submit that the applicant does not satisfy the conditions prescribed in O.M. dated 10.3.86 and O.M. dated 14.5.68 in which the conditions have been prescribed to allow half the service paid from contingencies to be commuted for pension at the time of absorption in regular employment. Conditions (a) and (b) state that the wages paid from contingencies should have been in a job involving whole time employment and should be in a type of work or job for which regular posts should have been sanctioned e.g., malis, chowkidars, khalasis etc. Applicant had worked only as casual mazdoor for field and laboratory work as per daily requirements and not for any particular job for which regular post would have been required. Condition(c) requires that the service should have been one for which the payment is made either on monthly or daily rates computed and paid on a monthly basis, and which, though not analogous to the regular scale of pay, should bear some relation in the matter of pay to those being paid for similar jobs being performed by staff in regular establishments. Applicant was paid on daily rates computed and paid on weekends depending on his attendance. These payments had no relation in the matter of pay to the pay of those being paid for similar jobs performed by regular employees. Condition (d) states that the service paid from contingencies should have been continuous and followed by absorption in regular employment without a break. Applicant does not satisfy this condition also and his absorption or regularisation was not in

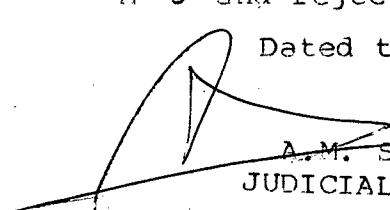
consideration of his casual service, but after due process of selection according to the recruitment rule for that post. This is borne out by the order of appointment R-1 and appointment order R-2. As per condition (e), the weightage for past service paid from contingencies will be limited to the period after 1.1.1961 for which authentic records of service may be available. In the case of the applicant, for the casual service rendered, no authentic Service Records are available and only the Muster Rolls are available showing the casual service rendered by him. Since the applicant does not satisfy any of the conditions, the respondents submit that the casual service of the applicant cannot be counted as qualifying service for pensionary benefits.

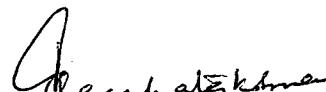
3. It is seen that the applicant does not satisfy the conditions laid down in the O.M. dated 10.3.86 and 14.5.68. Applicant has not been able to submit any record in support of his contentions that he had worked without break and even the A-1 produced by him only shows his services from February 1961 to 26.10.1962. R-1 and R-2 show that applicant was only appointed as a result of selection to the post of Laboratory Assistant and he was not absorbed in service as a consequence of his continual casual service without a break. The claim of the applicant that the casual service rendered by him be counted as qualifying service for pensionary benefits cannot, therefore, be accepted.

4. It is, however, seen that the impugned order is patently in error since the respondents themselves in their reply statement have stated that the muster rolls have since been traced out and have furnished the details regarding the casual service rendered by the applicant. Therefore, A-3 is only to be quashed.

5. In the result, the application is disposed of quashing A-3 and rejecting the other prayers of the applicant. No costs.

Dated the 1st July 1998.

  
A.M. SIVADAS  
JUDICIAL MEMBER

  
P.V. VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

LIST OF ANNEXURES

1. Annexure A1: Certificate dated 26.10.1962 issued by the Director, Central Coconut Research Station, Kayamkulam.
2. Annexure A3: Proceedings Ref.No.17(1)MP(KYM)/93-Estt. dated 2.1.1996 issued by Assistant Administrative Officer(E), Central Plantation Crops Research Institute Kasaragod.
3. Annexure R1: Offer of appointment Memo No.F.680/64 dated 6.2.1964 issued to the applicant by Director, Indian Central Coconut Committee, Ernakulam.
4. Annexure R2: Memorandum No.F.680/64 dated 22.2.1964 issued by the Secretary Indian Central Coconut Committee.

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