

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.620/2007

Dated the 25th day of July, 2008.

CORAM :

HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER

P Mohammedkutty,
Palliparambil, Kolathara ,
PO Cheruvannur, Calicut-673 655. ... Applicant

By Advocate Mr.P.Ramakrishnan

V/s.

- 1 Union of India represented by
Chairman,
Railway Board, New Delhi
- 2 The Divisional Officer,
Southern Railway, Palghat
- 3 The Assistant Personnel Officer,
Southern Railway, Palghat ... Respondents


By Advocate Mr.Thomas Mathew Nellimoottil.

This application having been heard on 25th July, 2008, the Tribunal on the same day delivered the following

(ORDER)

Hon'ble Mr.George Paracken, Judicial Member

The applicant has filed this OA seeking a direction to the respondents to fix his pension after counting half the service rendered by him before he was regularly appointed. He was granted the temporary status as a casual labourer with effect from 10.2.1983 vide Annexure A-1 letter dated 8.9.1983 and thereafter, absorbed in service with effect from



1.12.1998. He retired from service on superannuation on 30.6.2007 after putting in 8 and half years qualifying service. In order to become eligible for grant of pension, an employee has to put in atleast ten years of service as per Rule 102 of Manual of Pension Rules 1950. Since he was short of the aforesaid minimum qualifying period of service of ten years, he has to retire from service without any pension. His contention is that he was actually engaged as a temporary status casual labourer during the period from 10.2.1983 to 1.12.1998 and it was followed by regularisation but he has no document to prove the same. The counsel for the applicant has, therefore, submitted that he would like to make a representation to the respondents in this regard and to furnish the details of the work performed by him from the period 1.10.1983 to 1.12.1998.

2 Respondents on the other hand submitted that after the applicant had been granted temporary status on 10.2.1983, he worked for only two different spells, one from 11.2.83 to 1.10.1983 and another from 6.10.83 to 28.1.84. They have also submitted that unless the service rendered by him after he was granted temporary status till regularisation was continuous, the period prior to the date of regularisation cannot be counted for pensionary benefits in accordance with Railway Board letter No.E(NG)II/78/CL/12 dated 14.10.80(Annexure R-5).

3 I have heard Advocate Mr.Pratap Abraham for Mr.P.Ramakrishnan for the applicant and Advocate Mr.Thomas Mathew Nellimoottil for the respondents. According to the applicant, he is not in a position to substantiate his claim that he had worked for sufficiently long



period without any interruption prior to 1.12.1998 which would entitle him for counting the said period for the purpose of pension. The applicant's counsel has submitted that after he has been given temporary status, no casual labour card was given to the applicant and his service can be ascertained only from the muster roll maintained by Railways. He has, therefore, sought time to verify the service position from the muster roll with the permission of the respondents and to make further representation in the matter. I do not think that there is any harm in granting the aforesaid request of the applicant's counsel. Accordingly, this OA is closed with permission to applicant to make a representation to the respondents after duly verifying his service during the period from 10.2.1983 to 1.12.1998. There shall be no orders as to costs.



GEORGE PARACKEN
JUDICIAL MEMBER

abp