

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.70/99

Tuesday, this the 22nd day of May, 2001.

CORAM;

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

HON'BLE MR T.N.T.NAYAR, ADMINISTRATIVE MEMBER

K.Duraiaraj,
Senior Gang Man,
Southern Railway, Thenmala. - Applicant

By Advocate Mr TC Govindaswamy

Vs

1. The Chief Personnel Officer, .
Southern Railway,
Head Quarters Office,
Park Town.P.O.
Madras-3.
2. The Divisional Personnel Officer,
Southern Railway,
Madurai Division,
Madurai. - Respondents

By Advocate Mr KV Sachidanandan

The application having been heard on 22.5.2001, the Tribunal on the same day delivered the following:

O R D E R


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

The applicant, a Senior Gangman commenced his service as Boy Khalasi on 25.11.68. He was regularly absorbed as a Gangman against a vacancy as on 31.12.83. Finding that his service upto 20.8.72 was shown as Boy Khalasi and that he was not given the benefit of service from 8.3.70 on which date he attained the age of 18 years, the applicant submitted a representation to the Chief Personnel Officer, Southern Railway, Chennai on 27.10.97. As the representation was not considered and disposed of, the applicant approached this

Tribunal earlier filing O.A.773/98 which was disposed of with a direction to the C.P.O. to consider and dispose of the representation. In obedience to the above direction the impugned order dated 22.7.98 has been passed wherein the applicant has been informed that his past service cannot be counted for any purpose. It is aggrieved by that, the applicant has filed this application praying that the impugned order may be set aside declaring that the applicant is entitled to the entire service rendered by him with effect from 8.3.70 for all consequential service benefits, and the respondents may be directed to give him such benefit.

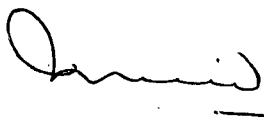
2. The respondents in their reply statement do not dispute the fact that the applicant attained the age of 18 years on 8.3.70. However, they have not given any clear answer as to why he was not granted temporary status on expiry of six months from 8.3.70 and why the period from 8.3.70 could not be considered for grant of temporary status and for other service benefits.

3. On a scrutiny of the entire pleadings and material placed on record and after hearing the learned counsel on either side, we are of the considered view that the applicant having attained the age of 18 years on 8.3.70, is entitled to count his service from that date for grant of temporary status and thereafter for other service benefits like regularisation and to count half the period of casual service as qualifying service for pension etc. The respondents, it appears, have not adverted to this aspect of the case.




4. In the result, the application is disposed of directing the first respondent that the applicant's casual service from 8.3.70 onwards has to be taken into account for the purpose of grant of temporary status and for other service benefits. The first respondent is directed to issue orders fixing the date of temporary status of the applicant, treating that the applicant has attained the age of 18 years and ceased to be a Boy Khalasi with effect from 8.3.70 onwards. Relevant orders as aforesaid shall be issued within a period of three months from the date of receipt of copy of this order. There will be no order as to costs.

Dated, the 22nd of May, 2001.



T.N.T.NAYAR
ADMINISTRATIVE MEMBER



A.V.HARIDASAN
VICE CHAIRMAN

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