

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.85/2002

Thursday this the 31st day of January, 2002

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

T.Nanu (Retd.Technician Gr.I)
Sreevalli House,
Thottithodu, Vallikunnu North
(Via) K.Nagaram, Malappuram,
Kerala State.673314.

...Applicant

(By Advocate Mr. K.Padmanabhan)

V.

1. Union of India, represented by
the General Manager,
South-Eastern Railway,
Garden Reach, Calcutta.
2. The Deputy Chief Engineer (Construction)
Headquarters, South Eastern Railway,
Bhubaneswar, Chandrasekharpur,
Orissa.
3. Deputy Chief Personnel Officer (Cosntn)
HQ, Bhubaneswar,
Chandrasekharpur, Orissa.

..Respondents

(By Advocate **Mrs. Rajeswari Krishnan**)

The application having been heard on 31.1.2002, 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 project casual labourer was
granted temporary status with effect from 1.1.81. He was
regularised in service and posted as Revetter Gr.II (H.S)
with effect from 1.4.1988. He retired on 30.6.2000 on
attaining the age of superannuation. His pension was
fixed as per PPO dated 5.9.2000 (A2). The grievance of
the applicant is that his casual service prior to 1.1.81
ie., from 18.10.75 to 31.12.80 was not reckoned as
qualifying service for the purpose of pension. Coming

contd....

across a Railway Board Circular dated 30.6.2000 the applicant submitted a representation on 9.5.2001 (A4) claiming that he is entitled to have the period between 18.10.75 and 31.12.80 reckoned for the purpose of pensionary benefits. As there was no response to this, the applicant has filed this application for setting aside Annexure.A2 Pension Payment Order to the extent of fixing the qualifying service, pension etc. and for a direction to the second and third respondents to reckon the casual service from 18.10.75 to 31.12.80 for pensionary benefits.

2. We have gone through the application, the impugned orders as also the annexures appended thereto and have heard Shri K.Padmanabhan, learned counsel for the applicant and Smt.Rajeswari Krishnan, counsel appearing for the respondents. As per the extant rules on the subject a casual labour who gets absorption in the Railway Service is entitled to count half the period of his/her casual service from the date of attainment of temporary status as qualifying service for pension. In the impugned pension payment order the casual service of the applicant from 1.1.81 the date on which he was conferred with temporary status has been so reckoned. The claim of the applicant that his casual service from 18.10.75 to 31.12.80 ie., prior to the attainment of temporary status should also be reckoned for pension is against the rules and therefore, we find no legitimate cause of action of the applicant which calls for admission of this application. Hence the OA is rejected under Section 19(3) of the Administrative Tribunals Act.

Dated the 31st day of January, 2002


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

(s)

A P P E N D I X

Applicant's Annexures:

1. A-1 : True copy of the casual labour service card issued by the Bridge Inspector.
2. A-2 : True copy of statement issued by 3rd respondent showing the service particulars.
3. A-3 : True copy of Circular No.E(L)86/AT GRA/1-1 dated 30.6.2000 issued by the Board.
4. A-4 : True copy of representation submitted by the petitioner dated 9.5.2001.
5. A-5 : True copy of representation submitted by the petitioner dated 26.11.2001.

npp
1-2-02