

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.106/2008

Thursday this the 17 th day of July, 2008.

CORAM:

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

K.C.Chacko,
S/o (late) M.T.Chacko,
Retired Senior Section Engineer (Permanent Way),
Southern Railway, Quilon,
Residing at; T.C 36/215,
Bhagath Singh Lane, Perunthanni Road,
Vallakkadavu P.O.,TRIVANDRUM-8.

Applicant

(By Advocate Shri TC Govindaswamy)

Vs.

1. The Union of India, represented by
The General Manager, Southern Railway,
Headquarters Office,
Park Town P.O., CHENNAI-3.
2. The Divisional Railway Manager,
Southern Railway, Trivandrum Division,
TRIVANDRUM-4.
3. The Divisional Personnel Officer,
Southern Railway, Trivandrum Division,
TRIVANDRUM-4.
4. The General Manager,
North Frontier Railway,
Maligaon, Gauhati, ASSAM. **Respondents**

(By Advocate Shri Thomas Mathew Nellimoottil)

Th application having been heard on 17.7.2008
the Tribunal on the same day delivered the following:

ORDER

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

The applicant through this O.A. sought the following reliefs:

(i) XXXXXXXXXXXX XXX XXXXXXXXX

(ii) Declare that the respondents are bound to reckon the applicant's



training period from 7.1.1976 to 27.1.1977 as qualifying service for pension and other retirements benefits:

(iii) Direct that the respondents to recalculate and revise the applicant's pension and other retirement benefits on a total qualifying service of 31 years and direct further to pay the same, with arrears thereof forthwith.

2. Briefly stated, the case of the applicant as contained in the O.A. is as under:

The applicant was appointed as an Apprentice Permanent Way inspector Grade III by order dated 30.12.1975 (Annexure A1.) The training commenced from 7.1.1976 vide Annexure A2 and on successful completion by order dated 25/27.1.1977, the applicant was posted as a Permanent Way Inspector Gr.III with immediate effect. Vide Annexure A4. The cadre of Permanent Way Inspectors is maintained on Zonal basis and the applicant continued in the North frontier Railway, and was transferred to Southern Railway, which railway he joined on 28.11.1989. The applicant by a representation dated 10.11.2006, requested that the applicant's training period be treated as qualifying service for pension by duly altering the applicant's date of appointment accordingly vide Annexure A-6. There was no response to Annexure A-6 and the applicant superannuated from service on 31.1.2007. His pension and other retirement benefits were calculated only on a total qualifying service of 30 years i.e. counting his service from 28.1.1977 to 31.1.2007. The applicant submitted another representation dated 3.10.2007 addressed to the 3rd respondent, for placing the matter before the Pension Adalat vide Annexure A7. Counting his departmental training period from 7.1.1976, which was followed by appointment on 28.1.1977, the applicant has a total qualifying service of 31 years. The applicant is entitled to have

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pension and other retirement benefits calculated on that basis.

2. The respondents have fairly conceded and their response is as under:

Without advertizing to the various averments the applicant has made in the O.A. herein, it is humbly submitted that a reference has been sent to the Northeast Frontier Railway as per letter No.V/P 500/PA/2007 dated 4.12.2007 addressed to the Chief Personnel Officer, Northeast Frontier Railway, Guwahati for verification and advice to this office as regards the applicant's statement of his training for the period from 6.1.1976 to 25.1.1977 vide Annexure R-1. As the applicant's Service Register is not having entries as regards the said training and as the documents produced by the applicant are to be accepted only after verification by the competent authorities, this Annexure R-1 letter has been issued. It is submitted that reply from the authorities of Northeast Frontier Railway is still awaited. It is also submitted that on receipt of advice from them, the applicant's claim for revision of counting the training period from 6.1.1976 to 25.1.1977 would be examined based on the advice.

3. Counsel for the applicant submitted that now that the respondents are inclined to treat the period of training as part of qualifying service for the purpose of pension and other terminal benefits, a direction may be given to the respondents to verify the factum of training undergone by the applicant in the Northeast Frontier Railway, in pursuance of Annexure R-1 communication and proceed further to treat the same as part of qualifying service and to revise the pension and other terminal benefits within a stipulated time.

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4. Counsel for the respondents submits that action would be taken accordingly.

5. In view of the above, this O.A. is disposed of with a direction to the 4th respondent to verify the training period undergone by the applicant as requested for by the Divisional Office (Personnel Branch), Trivandrum vide Annexure R-1 and communicate their reply to the 3rd respondent within a period of eight weeks from the date of communication of this order. On receipt of the same, within a further period of eight weeks, the 3rd respondent shall ensure further action to add the qualifying service to the extent of training period undergone by the applicant and work out the terminal benefits and revise the PPO accordingly. Within this period of eight weeks respondents shall also ensure payment of arrears if any, arising out of such addition of qualifying service. No costs.

Dated the 17 th July, 2008.



DR.K.B.S.RAJAN
JUDICIAL MEMBER

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