

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 116/2003

Wednesday, this the 19th day of February, 2003.

CORAM :

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

K.K. Kumaran,
Retired Senior Gangman,
Gang No.2, Mannanur,
residing at Puzhpa Vihar,
Chuduvalathur P.O.,
Shoranur P.O.,
Palghat District.

... Applicant

(By M/s Santhosh & Rajan)

Vs

1. Union of India rep. by the General Manager, Southern Railway, Chennai.
2. The Chief Engineer(Construction), Southern Railway, Chennai.
3. The Senior Divisional Personnel Officer, Southern Railway, Palghat Division, Palghat.

... Respondents

By Mr. P. Haridas)

The application having been heard on 19.2.2003, the Tribunal on the same day delivered the following :

ORDER

HON'BLE A.V. HARIDASAN, VICE CHAIRMAN

The applicant, who commenced his service as Casual Labour Laskar under the Executive Engineer, South West Line, Madras on 14.5.1956 was later conferred with temporary status w.e.f. 1.1.1981 by Annexure A8 order. He was appointed against regular post of Gangman on 27.2.1984. He retired on superannuation on 30.11.1996. His pension and other retiral benefits were computed and paid to him reckoning his service between 27.2.1984 to 30.11.1996 and half the period after the temporary status was not taken into account. In view of the Circular issued by the

Railway Board vide Annexure A10 letter dated 30.6.2000, the applicant claims that he is entitled to half the period of service rendered on temporary status (from 1.1.1981 to 26.2.1984) and regular service from 27.2.1984 to 30.11.1996 also reckoned as qualifying service for pension and other retiral benefits and gratuity under the Payment of Gratuity Act. Claiming these benefits, the applicant made representation (Annexure A11) on 28.8.2001 to the 2nd respondent. He has not favoured with a reply. Therefore, the applicant has filed this application for a declaration that non-extending the benefit of Annexure A10 to the applicant as illegal and for a direction to the respondents to pay gratuity and pension to the applicant counting half the period service rendered on temporary status and full service rendered on regular basis under the provisions of Railway Services (Pension) Rules, 1993 and also gratuity under the Payment of Gratuity Act for the casual labour service preceding the attainment of temporary status or in the alternative direct the 2nd respondent to consider and dispose of Annexure A11 representation of the applicant at the earliest.

2. When the application came up for hearing on admission, Shri P. Haridas, the learned Standing Counsel for Railways took notice on behalf of respondents. The counsel on either side agree that this application may be disposed of directing the 2nd respondent to consider Annexure A11 representation of the applicant and to give him an appropriate reply in accordance with the rules and instructions on the subject without any delay and that in case on such consideration the applicant be found entitled for the same, make available to the applicant the monetary benefits flowing therefrom.

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3. In the light of the above submissions made by the counsel on either side, the application is disposed of directing the 2nd respondent to consider Annexure A11 representation of the applicant in the light of the Railway Board's letter Annexure A10 as also other rules and instructions, if any, on the subject and to give him an appropriate reply within a period of three months from the date of receipt of a copy of this order. I also direct that on such consideration if the applicant be found entitled to revision of terminal benefits, the monetary benefits flowing therefrom shall be made available to the applicant within the said period. No costs.

Dated 19th February, 2003.



A.V. HARIDASAN
VICE CHAIRMAN

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