

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.12/02

Monday this the 13th day of October 2003

C O R A M :

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

T.S.Gopalakrishnan  
S/o.Subramanya Iyer,  
Senior Goods Guard,  
Southern Railway, Palghat, Applicant

(By Advocate Mr.T.C.Govindaswamy)

Versus

1. Union of India represented by the  
General Manager,  
Southern Railway, Headquarters Office,  
Park Town P.O.,  
Chennai-3.

2. The Senior Divisional Personnel Officer,  
Southern Railway, Palghat Division,  
Palghat.

3. The Chief Personnel Officer,  
Southern Railway,  
Headquarters Office,  
Park Town P.O.,  
Chennai-3. Respondents

(By Advocate Mr.P.Haridas)

This application having been heard on 13th October 2003  
the Tribunal on the same day delivered the following :

O R D E R

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

The applicant who was a Senior Goods Guard when he filed the application but since retired on 31.5.03 filed this application for a declaration that the respondents are bound to reckon the applicant's date of temporary as 24.3.1969 in the Service Register and that the whole of his service from 24.3.1969 or atleast with effect from 28th September, 1972 for the purpose of pensionary benefits and direct the respondents accordingly.

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2. The respondents have filed a reply statement resisting the claim of the applicant. However, in paragraph 5 of the reply statement the respondents has stated as follows :

It is humbly submitted that there are no merits in Para 4 of the O.A. for the reasons already stated above. The applicant was granted the benefit of authorised scale of pay and temporary status from 24.3.1969 vide this office Memorandum No.J/F/407/IX/F3/SRR/Vol.III dated 9.4.1970. This will not confer on him any title or claim for continuance in the grade for absorption in regular establishment until he is got selected by a duly constituted selection board as mentioned in the memorandum itself. Hence his date of appointment for the purpose of pensionary benefit cannot be taken as 24.3.1969 and this has to be treated as temporary only. Further the letter No.J/P 564/IX/Screening/SRR dated 28.9.72 is only the results of the casual labourers/substitutes who had attended the screening. It was indicated in the above letter that regular appointment of Gangman in scale Rs.70-85 will be made from this panel in the order of seniority subject to the condition that they are found otherwise suitable in all respects and subject to the availability of posts. It was only a select list and he was appointed as Sub.Gangman against regular vacancy only from 10.4.1974. As per extant orders half of the period of temporary status service and full period of regular service will be taken into account for grant of pensionary benefits under the Railway Service (Pension) Rules 1993. Accordingly the applicant is entitled for half service from 24.3.1969 to 9.4.1974 and full service from 10.4.1974 to 31.5.2003 upto his date of normal retirement.

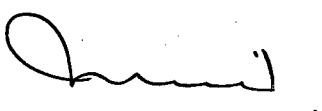
3. Adverting to the contends of the above quoted paragraph the learned counsel of the applicant submitted that since the respondents have agreed to count half the service of the applicant from 24.3.1969 to 9.4.1974 and full service from that date till the retirement of the applicant, the application may be disposed of with a direction to the respondents to issue revised P.P.O and making available to him the revised pensionary benefits reckoning half the service from 24.3.1969 to 9.4.1974 and full

service from 10.4.1974 to 31.5.2003 within a time frame limit.

The respondents counsel also submitted that the O.A. may be disposed of with such a direction.

4. As the counsel on either side agrees that in terms of the admission in the reply statement of the respondents that applicant is entitled to count half service from 24.3.1969 to 9.4.1974 and full service from 10.4.1974 to 31.5.2003 as qualifying service for pension, we dispose of the application directing the respondents to issue revised P.P.O. and make available to the applicant the pensionary benefits flowing therefrom reckoning his half service from 24.3.1969 to 9.4.1974 and full service from 10.4.1974 to 31.5.2003 as qualifying service for pension. The above directions shall be complied with by making payments accordingly within a period of two months from the date of receipt of a copy of this order. No costs.

(Dated the 13th day of October 2003)

  
T.N.T.NAYAR  
ADMINISTRATIVE MEMBER

  
A.V.HARIDASAN  
VICE CHAIRMAN

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