

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.NO.121/2002

THURSDAY THIS THE 23RD DAY OF JANUARY, 2003

CORAM

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

S.Krishnan Asari,
Higher Grade Postal Assistant (Retd)
G.P.O, Thiruvananthapuram,
aged 60 S/o Sankaran Asari, residing at
Panampazhanjivila Veedu,
Pacode,
Kanniyakumari Dist.Applicant

(By Advocate Mr.Vishnu S.Cheppazhanthiyil)

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1. Superintendent,
Postal Stores Depot,
Thiruvananthapuram.
2. Senior Supdt. of Post Offices,
Thiruvananthapuram North Divn
Thiruvananthapuram.
3. Chief Postmaster General,
Kerala Circle,
Thiruvananthapuram.
4. Director Genral
Postal Department,
New Delhi.
5. Union of India, represented by its
Secretary,
Ministry of Communications,
New Delhi.Respondents

(By Advocate Mr. R.Madanan Pillai ACGSC)

The application having been heard on 23.1.2003, 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 commenced service as full time Casual Labourer on 15.6.1965 under the 1st respondent was by Annexure A1

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order dated 22.7.1970 regularised as Group D employee granting him relaxation in age limit by 4 years and 10 months, i.e. the period of service rendered by him as Casual Labourer according to the DG P&T letter dated 25.8.1961. His present grievance is in the PPO Annexure A3, his service from 1.8.1970 to 31.10.2001 alone has been counted and half of the period of continuous Casual Labour service has not been counted for pension as qualifying service. He made representation seeking amendment of the PPO and for computing qualifying service and make available to him the retirement benefits accordingly, which was rejected by Annexure A6 dated 22.1.2003 on the ground that no authenticated records were available to verify the claim. Aggrieved by this, the applicant has filed this application seeking to set aside Annexure A3 to the extent pensionary benefits were granted to the applicant only for a qualifying service of 62 six monthly periods and for a declaration that he is entitled to have half his full time casual labour service prior to 1.8.1970 treated as qualifying service under the rules for the purpose of pension and other retiral benefits and for a direction to the respondents to regulate his pensionary benefits accordingly.

2. It is alleged in the application that in terms of Annexure A7 O.M. No.F.12(1)-E.V/68 dated 14.5.1968, the applicant is entitled to have half the period of Casual Labour service followed by regularisation and paid from contingencies be treated as qualifying service for pension and therefore rejection of the applicant's claim by the respondents on the ground that authenticated records were not available is unsustainable in law.

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3. The respondents resists the claim of the applicant on the ground that the application is barred by limitation because the applicant has not challenged the decision not to count the Casual Labour service as qualifying service for pension in Annexure A1. They further contend that as the authenticated records are not available showing that the applicant had continuously served for a period of 5 years, his request has been rejected correctly.

4. On a perusal of the pleadings and material placed on record, I am of the considered view that the rejection of the applicant's claim for granting his Casual Labour service for regularisation for the purpose of qualifying service for pension is unreasonable and against the Department's orders. From Annexure A1, it is evident that the applicant while working as a Casual Labourer continuously was absorbed on a Group D post and on the date of absorption, the applicant had 4 years and 10 months casual service. The claim of the applicant for counting half the period of continuous casual service prior to absorption as qualifying service for pension has been turned down by Annexure.A6 order only on the ground that authenticated records are not available. From Annexure.A1 order dated 22.7.1970 itself it is evident that the applicant had 4 years and 10 months of casual service qualifying for age relaxation. This statement in Annexure.A1 would have definitely been based on authenticated records of the department. It is the duty of the competent authority to keep authenticated documents and not that of a casual labourer or a Group D employee. If no other document is presently available the statement in Annexure.A1 should be

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treated as authentic and the applicant be given the benefit of counting half the casual service as qualifying service for pension.

5. In the light of what is stated above, the application is allowed. I set aside that part of the Annexure A3 PPO which restricts the qualifying service of 6 monthly periods as also Annexure A6 order rejecting the claim of the applicant for computing the qualifying service taking into account the casual labour service for pension. I also direct the respondents to issue the amended PPO re-computing the qualifying service of the applicant for the purpose of pension taking in to account half of 4 years and 10 months of service rendered by him prior to his absorption. The above directions shall be complied with and consequential financial benefits made available to the applicant within a period of three months from the date of receipt of a copy of this order. No costs.

Dated the 23rd January, 2003.


A.V. HARIDASAN
VICE CHAIRMAN

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