

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 148/2002

Friday, this the 24th day of January, 2003.

CORAM :

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

R. Narayanan,
Senior Bridge Khalasi(Retired),
O/o the Section Engineer(Bridges),
Southern Railway, Kollam,
residing at Kavungal Kizhakkethil,
Pattathanam, Aythil P.O.,
Vadakkevila Village,
Kollam Taluk.

... Applicant

(By Advocate Mr. Vadakara VVN Menon)

Vs

1. Union of India,
rep. by the General Manager,
Southern Railway,
Head Quarters Office,
Chennai-3.
2. The Divisional Railway Manager,
Southern Railway,
Thiruvananthapuram-14.
3. The Senior Divisional Personnel Officer,
Southern Railway,
Thiruvananthapuram-14.

... Respondents

(By Mrs. Rajeshwari Krishnan)

The application having been heard on 24.1.2003, the Tribunal on the same day delivered the following :

ORDER


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

The applicant, who retired from the office of the Section Engineer(Bridges), southern Railway, Kollam after serving as Senior Bridge Khalasi on 31.10.2000 has filed this application praying for a direction to the respondents to consider and count the Casual Labour service of the applicant w.e.f. 28.8.1970 to 12.2.1977 in the light of Annexure A3 order revise his pension and release the entire monetary benefits including the revised

pensionary benefits to the applicant accordingly. The case of the applicant is as follows :-

The applicant originally engaged in the Railway as a Casual Labourer w.e.f. 28.8.1970 had worked in different places upto 1977. He was empanelled against a vacancy w.e.f. 31.12.1977 as seen from Annexure A1 order. He had put in 1351 1/2 days' casual labour service. His casual labour service is seen from Annexure A5 Casual Labour Service Card. On 8.8.2000, the applicant made a representation to the Sr. DPO, Trivandrum stating that he was a casual labour from 28.8.1970 under the PWI/Quilon, had worked upto 5.2.1974 in various stations, that he was again engaged at Kollam from 19.10.1976 to 12.2.1977 and that therefore the periods of casual service put together amounting to 1351 1/2 days should be taken into account for computing his qualifying service for pension. However, finding that his casual labour service was not taken into account while settling his final retirement benefits, applicant has filed this application seeking the above said reliefs.

2. The respondents in the reply statement contend that the applicant is not entitled to have his casual labour service treated as qualifying service for pension, that his service as casual labour rendered in Project prior to temporary status cannot be counted as qualifying service for the purpose of pensionary benefits in Railways, that the applicant is entitled to have half the period of casual labour service after attaining temporary status alone treated as qualifying service for pension, that the said period has been taken into account and pension and other retirement benefits have been paid to the applicant accordingly, and that therefore the applicant does not have any legitimate grievance which calls for redressal.



3. I have perused the pleadings and material placed on record and have heard the counsel on either side.


4. I find that the applicant has no valid and subsisting cause of action. As per Annexure A1, the applicant was empanelled and appointed against a vacancy in the year 1977 and from Annexure A6 Service Certificate, it is seen that the period of service of the applicant was from 23.10.78/6.8.79 to 31.10.2000. The respondents in the reply statement in para 14 have stated that half the period from 23.10.78 to 5.8.79 has been taken into account and the qualifying service fixed as 21 1/2 years. If the casual labour service is not taken into account at all, the period would not extended to 21 1/2 years. Therefore it is evident that half of casual labour service from 23.10.78 to 5.8.79 has already been taken into account for computing the qualified service of the applicant in accordance with the provisions of Para 2005 of IREM and Railway Board's instructions. Para 2005 of the IREM is as follows :-

"Casual labour including Project casual labour shall be eligible to count only half the period of service rendered by them after attaining temporary status on completion of prescribed days of continuous employment and before regular absorption, as qualifying service for the purpose of pensionary benefits. This benefit will be admissible only after their absorption in regular employment."

Thus, the benefit of counting half the periods of service after temporary status had already given to the applicant.

5. In the light of what is stated above, I find no merit in this application and the same is dismissed. No costs.

Dated the 24th January, 2003.


A.V. HARIDASAM
VICE CHAIRMAN

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