

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A. 165/92

DATE OF DECISION: 11.6.1993

Smt.Thresiakutty Lonappan

.. Applicant

Mr.P.Sivan Pillai

.. Advocate for the Applicant

vs.

1. Union of India through,
The General Manager,
Southern Railway,
Park Town P.O,
Madras -3.
 2. Divisional Personnel Officer,
Southern Railway,
Trivandrum Division,
Trivandrum-14.
 3. Executive Engineer(Construction)
Southern Railway,
Ernakulam.
 4. Deputy Chief Engineer(Construction),
Southern Railway,
Ernakulam.
- .. Respondents

Mr.M.C.Churian

.. Advocate for the Respondents

CORAM:

THE HON'BLE MR.JUSTICE C.SANKARAN NAIR, VICE CHAIRMAN

JUDGMENT

Applicant, widow of a person described as a 'Project Casual employee' seeks to quash Annexure-A3 by which her request for family pension, was rejected.

2. There are two types of Casual Labourers, 'Openline Casual Labourers' and 'Project Casual Labourers. Applicant's husband commenced service as a 'Project Casual Labourer' and died in harness on 7.7.86. She made a request for family pension and that was rejected as noticed.

3. Learned counsel for applicant would submit that in the light of the decision in Inderpal Yadav v. Union of India (1985(2)SCC,648), a person like her late husband is entitled to be treated as a temporary employee. The dependent of a temporary employee would be eligible for family pension, submits counsel. The Supreme Court dealt with the unwholesome practice of keeping an employee as a casual employee for long years of his life, and then throwing him out, without compassion

or compensation. The decision did not deal with the question of pension, in any of its aspects. As rightly pointed out by counsel for the Railways, the question of pension is governed by Rule 801(80) of the Manual of Railway Pension. That is to the effect that temporary employees, will get pension only upon regularisation. The event that entitles pension, is regularisation. Upon regularisation a part of temporary service also will be reckoned for computing quantum of pension. On the pleadings, it cannot be said that applicant's husband was declared as a regular employee. As matters stand, Annexure-A3 cannot be faulted.

4. Notwithstanding that, learned counsel states that the deceased employee is not a casual labourer, in the light of Inderpal Yadav's case. Counsel added that a temporary employee will also be entitled to pension by virtue of the provisions in the Central Civil Services (Pension) Rules. Applicant may raise the contentions before the competent authority. If applicant make a representation raising any point other than that considered in Annexure-A3, the competent authority will consider the representation untrammelled by the view expressed in Annexure-A3, and pass appropriate orders within four months of the date of receipt of the representation positively. With this direction, the application is disposed of. No costs.

C. Sankaranair
C.SANKARAN NAIR(J)
VICE CHAIRMAN

Dated the 11th June, 1993.

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List of Annexure:

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| 1. | Annexure A-3 | Letter No.P 579/CN/ERS/C/
dated 27.2.1991. |
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