

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.168/04

Tuesday this the 9th day of March 2004

C O R A M :

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR. H.P.DAS, ADMINISTRATIVE MEMBER

M.Chellakkannu,
S/o.Marimuthupillai,
Retired Master Craftsman/Carpenter,
Signal & Telecommunication Workshop,
Poddanur.
Residing at : No.1/14, Manangorai Post,
Pasupathy Koil (Via),
Thanjavur (T.K. & District).

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 Chief Personnel Officer,
Southern Railway, Headquarters Office,
Park Town P.O., Chennai - 3.
3. The Divisional Signal & Telecommunication
Engineer (Works), Poddanur,
Coimbatore District, Tamil Nadu.
4. The Chief Workshop Manager,
Signal & Telecommunication Workshop,
Southern Railway, Poddanur,
Coimbatore District.

Respondents

(By Advocate Mr.Sunil Jose)

This application having been heard on 9th March 2004 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 Casual Labour under
the Divisional Signal & Telecommunication Engineer (Works),
Poddanur under the Assistant Signal Inspector/Works/Olavakkode on
11.7.1963 was regularly appointed as a Khalasi with effect from
18.5.1973. He is aggrieved that his continuous service as casual

labour was not considered and he was not given temporary status at the appropriate time. Projecting the grievance the applicant had along with many others filed O.A.183/93 which was disposed of with directions to the respondents to consider the claim of the applicant verifying the relevant facts and to give the applicant an appropriate order considering the grant of benefits, if any, found admissible on the basis of the above directions. The competent authority considered the claim of the applicant and similarly situated others and by order dated 11.7.1994 (Annexure A-4) found the applicant not eligible for grant of temporary status for want of records relating to his continuous casual employment. The applicant thereafter finding that in similar cases where the claim had been rejected initially applicants approached the Tribunal and their claims were upheld by the Tribunal on the basis of the casual labour card. The applicant got back the casual labour card from the official respondents and admitted a representation on 1994 itself. The applicant did not get any response to that. However he retired on superannuation on 31.1.2001. The present grievance of the applicant is that on account of refusal to grant temporary status at the appropriate time his qualifying service for pension has not been properly computed. Therefore the applicant has filed a representation on 29.12.03 (Annexure A-5) producing a copy of the Annexure A-1 casual labour card. This representation has not been considered and disposed of. Therefore the applicant has filed this application for a declaration that he is entitled to be treated as Temporary (temporary status) with effect from 11.1.1964 and that he is entitled to reckon 50% of his Casual Labourer service rendered between 11.1.1964 and 18.5.1973 for the purpose of pension and other retirement benefits and for a direction to the

respondents to re-calculate the applicant's pension and other retirement benefits on the basis of the declaration with consequential benefits and arrears on pension etc. The applicant after retirement is residing in Tamilnadu, therefore, Registry raised an objection regarding jurisdiction as also on question of limitation. We have considered this points. Although the applicant is presently residing in Tamilnadu after his retirement the applicant is claiming benefit of temporary status on account of his continuous engagement as casual labour from 11.7.1963 when he was posted in Olavakkode Assistant Signal Inspector/Works, therefore, a part of the cause of action having arisen and as the issue involved in this case is one of wrong calculation of the pensionary benefits, the grievance being a continuing one we do not find any embargo in admitting this application.

2. We have heard Shri.T.C.Govindaswamy, learned counsel of the applicant and Shri.Sunil Jose, learned counsnel for the respondents. The counsel agreed that the application may now be disposed of directing the 2nd respondent to consider Annexure A-5 representation considering Annexure A-1 casual labour card and other relevant materials, if any, available with the respondents and to give the applicant an appropriate order within a reasonable time.

3. In the light of the above submissions made by the learned counsel we dispose of this application directing the 2nd respondent to consider Annexure A-5 of the applicant taking into account Annexure A-1 casual labour card and other relevant materials, if any, in the possession of the official respondents as also the judgements of the Tribunal in O.A.849/90, O.A.183/93,

O.A.322/98 and O.A.727/99 and to give the applicant an appropriate reply within a period of three months. We further direct that if on such consideration the 2nd respondent find that the applicant is entitled to any revision of pension and terminal benefits, the resultant benefits shall be made available to him within a period of two months thereafter. There is no order as to costs.

(Dated the 9th day of March 2004)

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H.P.DAS
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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