

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DATED MONDAY THE THIRTEENTH DAY OF FEBRUARY, ONE
THOUSAND NINE HUNDRED AND EIGHTY NINE

PRESENT

Hon'ble Shri G.Sreedharan Nair-Judicial Member
and

Hon'ble Shri N.V.Krishnan- Admve. Member

ORIGINAL APPLICATION NO. 218/87

P.V. Krishnan Nambiar .. Applicant
Versus

1. The Divisional Personnel Officer,
Southern Railway,
Palghat.
2. Union of India, represented
by Secretary to Government,
Ministry for Railways, New Delhi. .. Respondents

Counsel for the applicant .. M/s M.Ramachandran,
(Not present) PV Abraham & Paulson
P. Varghese.

Counsel for respondents .. M/s M.C.Cherian &
T.A.Rajan.

O R D E R

Hon'ble Shri G.Sreedharan Nair, Judicial Member

This is an application by a Casual Labourer
in the Southern Railway who had attained temporary
status ~~is~~ for a declaration that he is entitled to
get his military service as also the CPC service
reckoned for the purpose of retirement benefits. It
is alleged by him that it ~~is~~ ^{was} after rendering service
in the Indian Army from 1948 to 1959 that he was
employed by the respondents as a Casual Lorry Driver
on 26.8.65, and that he was conferred temporary status
with effect from 26-2-1966. It is also alleged that

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with effect from 1.1.73 he was allowed the higher grade of Rs.260-400. His grievance is that despite his service with Government for over 30 years he had received nothing by way of retirement benefits except his own contributions to the Provident Fund.

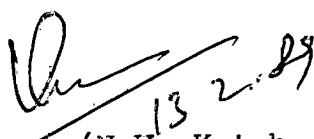
2. In the reply filed by the respondents it is stated that the Casual Labourer engagement to the applicant has nothing to do with his military service. He was screened for absorption to regular service as Gangman in the year 1979, but he refused to join the new post and as such he had to superannuate as Casual Labourer though in the Skilled Category. According to the respondents there is no provision for payment of pension or other retirement benefits to the Casual Labourers. As regards the gratuity payable to him under the Gratuity act it is stated that the applicant has received the same.

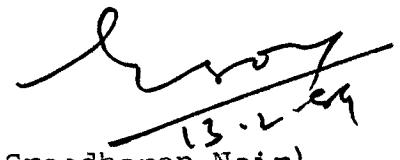
3. ~~Today when this application was taken up~~
~~for hearing neither the applicant nor his counsel was~~
~~present. We have heard the counsel of respondents and~~
have gone through the records.

4. There is no provision in the Railway Establishment Manual under which a Casual Labourer, though conferred temporary status, is eligible for the retirement

benefit of pension. So much so the reckoning of the earlier military service of the applicant as qualifying service for pension does not arise at all. The reliance placed on the orders of the Railway Board for reckoning half the temporary service rendered as qualifying service for the purpose of pension shall arise only if such Casual Labour service is followed by regular service. It is seen from the records that though opportunity was afforded to the applicant to join as regular Gangman, which would have enabled him to claim pension, the applicant deliberately refused to do so. The gratuity that is due to him under the Gratuity act is stated to have been received by him on 25.7.1987.

5. In the circumstances the applicant is not entitled to relief. The application is dismissed.


13.2.89
(N.V. Krishnan)
Admve. Member


13.2.89
(G.Sreedharan Nair)
Judicial Member

13.2.1989

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