

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DATE: 16.8.93

O.A. 221/92

Xavier E.O.
Elavankal House,
Elamakkara P.O., Kochi-26

Applicant

vs.

1. Divisional Personnel Officer
Southern Railway, Personnel Branch
Thiruvananthapuram

2. Permanent Way Inspector,
Southern Railway, Alwaye

Respondents

Mr. S. Krishnamoorthy

Counsel for
applicant

Mrs. Sumathi Dandapani

Counsel for
respondents

CORAM

THE HON'BLE MR. N. DHARMADAN JUDICIAL MEMBER

JUDGMENT

MR. N. DHARMADAN JUDICIAL MEMBER


When the case was taken up for final hearing, learned counsel for respondents submitted that the prayer in the application for counting applicant's past service is covered by earlier decision of this Tribunal in O.A. 1243/91. The learned counsel for respondents/submit^{further}ted that ~~though~~ the question of law applicable ~~to~~ this case is ~~covered~~ by the aforesaid decision, the applicant has not produced sufficient material to establish his claim for counting his past service from 27.10.52 to 21.3.59; the Railways has given credit to his regular service w.e.f. 21.3.59 to 31.12.90 and fixed the pensionary benefits on that basis. But the applicant has averred that his initial appointment under the PWI was in 27.10.52 and there was no system of issuing service card at that time. He also stated that he had worked continuously for getting service benefits in the matter of calculation of pension etc. from 27.10.52.

2. Respondents have filed a detailed reply denying the averments and allegations in the original application.

3. While allowing the original application in the light of the judgment of this Tribunal in O.A. 1243/91, I make it clear that the applicant shall produce before the first respondent all available documents to establish his past service from 27.10.52 so as to enable the first respondent to count his service from that date to grant him the benefit of the judgment in O.A. 1243/91. The applicant shall produce the necessary details with the representation before the first respondent within two weeks from the date of receipt of the copy of this judgment. If the first respondent receives the representation along with necessary documents, he shall conduct necessary verification and grant relief in the light of the earlier judgment of the Tribunal if he is satisfied that the applicant is entitled to the same. The first respondent shall consider and pass ⁴ and implement the directions orders/within three months from the date of receipt of the representation as directed above.

4. In this view of the matter, the application is allowed as indicated above.

5. There shall be no order as to costs.


(N. DHARMADAN)
JUDICIAL MEMBER
16.8.93

kmm