

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

~~O. A. No.~~  
~~P. A. No.~~

222 of 1992.

DATE OF DECISION 10.2.1992

V. Kunju Kunju Applicant (s)

P. Sivan Pillai Advocate for the Applicant (s)

Versus

Union of India represented  
by General Manager, Southern Respondent (s)  
Railway and two others

Mr. P. A. Mohammed, Counsel Advocate for the Respondent (s)  
for Railways (Madurai Division)

CORAM :

The Hon'ble Mr. S. P. Mukerji - Vice Chairman

and

The Hon'ble Mr. A. V. Haridasan - Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. To be circulated to all Benches of the Tribunal? *No*

JUDGEMENT

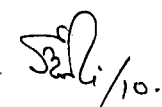
(Hon'ble Shri S. P. Mukerji, Vice Chairman)

We have heard the learned counsel for both the parties on this application dated 5.2.1992 filed under section 19 of the Administrative Tribunals Act in which the applicant who retired on 31.8.85 as temporary Gangmate has claimed pensionary benefits on the basis of his alleged qualifying service of 9 years 11 months and 24 days. The respondents had earlier rejected his representation at Annexure.A2 saying that his net qualifying service was only 8 years 2 months and 14 days. He had challenged this figure in his representations at Annexure A.5 dated 7.2.91 and Annexure.A.6 dated 3.8.91. These representations have not, according to the applicant, been replied to. The applicant's contention

is that on the basis of his date of attaining ~~of~~ <sup>a</sup> temporary status and subsequent status of ~~his~~ <sup>a</sup> substitute, his qualifying service would come to 9 years 11 months and 24 days which according to the Railway Board's orders dated 25.10.90 at Annexure.A.3 and 14.12.90 at Annexure.A.4 would entitle him to have the short<sup>n</sup>fall of 10 years made up and make him eligible for pensionary benefits.

2. In the facts and circumstances we admit this application and dispose of the same with the direction to the respondents to consider the representations of the applicant at Annexure.A.5 and Annexure.A.6 referred to above and pass necessary orders thereon within a period of two months from the date of communication of this judgment taking into account the service record of the applicant as also the Railway Board's orders at Annexure.A.3 and A.4 in so far as they are applicable to the applicant. There will be no order as to costs;

  
(A.V. HARIDASAN)  
JUDICIAL MEMBER

  
(S.P. MUKERJI)  
VICE CHAIRMAN

10.2.92

Ks102.92.