

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No. 25 of 2004

Thursday, this the 18th day of January, 2007

C O R A M :

HON'BLE DR. K B S RAJAN, JUDICIAL MEMBER

V. Sarasamma,
W/o. K.K. Sankaran,
(Retired Senior Gang Woman,
Gang No. 8/Mavelikkara, Southern Railway),
Residing at "Pushpamandiram", Puvanakam,
Mavelikkara, Alleppey District. ... Applicant.

(By Advocate Mr. T.C. Govindaswamy)

v e r s u s

1. Union of India, represented by
The General Manager, Southern Railway,
Headquarters Office, Park Town P.O.,
Chennai - 3
2. The Senior Divisional Personnel Officer,
Southern Railway, Trivandrum Division,
Trivandrum. ... Respondents.

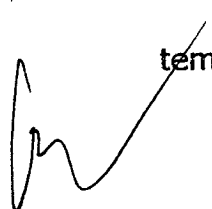
(By Advocate Mr. Sunil Jose)

The Original Application having been heard on 11.1.07, this
Tribunal on 18.1.07. delivered the following:

O R D E R

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The applicant was engaged in the Railways as casual labour and
temporary status was afforded to him w.e.f. 23-10-1978 and was engaged

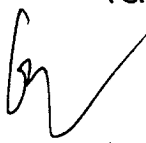


at Mavelikkara (TVC-ERS Sector) and was later taken over by the open line. She was continuing in the Temporary Status till empanelled for appointment as Temporary Gangwoman w.e.f. 01-04-1991. The applicant superannuated on 31-05-2003 and was paid the terminal benefits.

2. While calculating the qualifying service, the respondents have taken 50% of the period from 23-10-1978 to 31-03-1991 and the full period from 01-04-1991 to 31-05-2003 totalling 18 years and 5 months. Reason for taking only 50% of temporary status was that during the relevant period, the applicant was engaged only as a casual labour with temporary status. The claim of the applicant is that her services should have been taken in full from 23-10-1978 onwards as she was engaged as a substitute temporary status casual labour.

3. Respondents contested the O.A. According to them, the period from 78 to 91 cannot be treated as a substitute temporary status as the applicant was not so engaged.

4. During hearing, service Records were produced and the same were scrutinized. The applicant was initially engaged as Project Work Casual Labour of TVC - ERS conversion project, who was drawing 1/30th of the scale rated daily wages at the time of taking over by open line, has been granted Temporary Status and Revised Scale of Pay @ Rs 196/- p.m. in the scale of



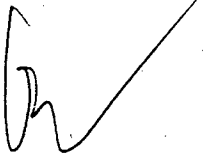
Rs 196-232 with effect from 23-10-1978 in terms of CPO/MAS letter No. P(L) 407/Rules of 2-79. (Authority : DRM(P)/MDU Office Order No. 107/79/WP of 11-06-1979). After the above endorsement, it was only the increment details that were furnished followed by revision of pay and later, the following endorsement was made :

Empanelled for appointment as Ty.Gangwoman in Scale of Rs 775 - 1025 against vacancies as on 30-06-1990 and posted to PW1/CK1 section vide O.O. No. 93/91 (WO dt. 19-03-1991.

The empanelment has been approved by DRM/Me on 29.01.1991.

Relieved to PW1/CK1 Section on 30-03-1991 (A.N) with instruction to report for duty on 1-4-1991 after availing W/rest by 31.03.1991.

5. Counsel for the applicant fairly conceded that there is no difference in respect of concessions available to a temporary status casual labour and temporary status substitute. He has further submitted that the fact whether a particular individual had been appointed as a substitute may be discerned from the service book/register. However, on perusal, nowhere it has been reflected in the service book that the applicant was ever engaged as a substitute as claimed by her. Thus, there is absolutely no material to hold that the applicant was engaged as a substitute w.e.f. 21-11-1978, after her temporary status, as claimed by the applicant. It is understood that the substitutes who have already acquired temporary status should be immediately screened for empanelment. If so, there is no reason as to why



the applicant's screening for empanelment had taken as many as 13 years. Thus, the claim of the applicant is baseless and the O.A. deserves only to be dismissed, which is so ordered.

6. No costs.

(Dated, the 18th January, 2007)



K B S RAJAN
JUDICIAL MEMBER

cvt.