

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.As 297 and 304 of 1994

Thursday, this the 16th day of February, 1995.

CORAM:

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

HON'BLE MR P SURYAPRAKASAM, JUDICIAL MEMBER

OA-297/94

TK Gopalakrishna Panicker,
Rtd. Senior Gate Keeper,
Puthen Kandathil House,
Vellore, Mevellore P.O.
Kottayam District. - Applicant

By Advocate Mr TC Govindaswamy

Vs.

1. Union of India through
the General Manager,
Southern Railway,
Madras-3.
2. The Divisional Personnel Officer,
Southern Railway, Trivandrum-14.
3. The Railway Board through
its Secretary(E),
Rail Bhavan, New Delhi. - Respondents

By Advocate Mr Thomas Mathew Nellimoottil

OA-304/94

1. KK Kumaran,
Rtd. Gangman,
Kunnumpurathu House,
Sachivothamapuram.P.O.
Kottayam.
2. A Kassim,
Rtd. Gangman,
Kochupalli, Muppankadu,
Moolavattam.P.O.
Kottayam.
3. KC Philoppose,
Rtd. Gangman, Kalarikkal House,
Thrukothamangalam,
Puthupalli, Kottayam. - Applicants

By Advocate Mr TC Govindaswamy

Vs.

1. Union of India through the Secretary, Ministry of Railways, Railway Board, New Delhi.
2. The General Manager, Southern Railway, Madras-3.
3. The Divisional Personnel Officer, Southern Railway, Trivandrum-14. - Respondents

By Advocate Mr Thomas Mathew Nellimoottil

O R D E R

PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBR

Applicants in both these O.As have similar prayers and they are disposed of by this common order.

2. Applicants have entered service as Gangmen on different dates under the respondents and have retired on different dates. Their service from the date of regularisation has already been counted for pensionary benefits. According to applicants, they being open line casual labourers, they are entitled to temporary status on the dates on which they have completed six months continuous service and 50% of their service from the date of temporary status, to the date of regularisation is also to be counted for computing the pensionary benefits. Their grievance is that this period has not been taken into account by the respondents while granting them pension.
3. The applicants rely on a letter A2 in OA-304/94(A1 in OA-297/94) dated 24.11.1962 issued by the Permanent Way Inspector, Southern Railway, Kottayam. This letter gives details of casual labourers who have completed six months continuous service and the applicants have been shown to have completed six months continuous service on various dates as follows:

1. KK Kumaran	- 20.12.61(304/94)
2. A Kassim	- 20.6.61(OA-304/94)
3. EC Philipose	- 20.9.61(OA-304/94)
4. Gopalakrishna Panicker	- 20.10.62(OA-297/94)

Applicants also rely on A1(in OA-304/94) judgement of the Tribunal in OA-1163/91 wherein it is stated:

"It is not disputed that in the case of Casual Labourers in the open line he would attain temporary status on completion of six months of continuous service...direct the respondents to refix the pension of applicant taking into account 50% of his service from 21.6.61 to 30.11.66..."

4. According to respondents, the claim of the applicants has to be dismissed on account of inordinate delay and is barred by limitation. They have also stated that the statement of the applicants that they attained temporary status in 1961 cannot be admitted in the absence of any order to that effect and that the benefits granted in A1 judgement cannot be extended to other persons. In the case of applicant in OA-297/94 respondents have also produced Annexure-R1 in which it is shown that the applicant therein had certain periods of unauthorised absence which would not entitle him to the grant of temporary status on 20.10.1962.

5. A2 document in OA-304/94(A1 document in OA-297/94) is a document issued by the respondents in 1962 and there is no reason to doubt the correctness of the entries therein. This document was relied on by the Tribunal while disposing of OA-1163/91. This document establishes that the applicants have completed six months continuous service on the dates set out above. As stated in the order of the Tribunal extracted above, they attain temporary status on those dates. It is therefore clear that they are entitled to count 50% of the period from those dates to the dates of their regularisation for

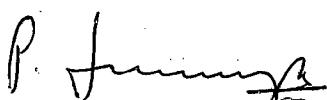
computing the pensionary benefits due to them. Considering that similar benefits have been extended in OA-1163/91, we see no reason to deny the applicants herein the same benefits. We accordingly direct respondents to refix the pension of the applicants taking into account 50% of the service from the date of temporary status to dates of regular absorption and pay the arrears of pension and other retiral benefits within four months from the date of this order.

6. Applicants have an additional prayer that a direction of the Tribunal in OA-1163/91 regarding the payment of gratuity of casual labourers who have been regularly absorbed in the service of the Railways for the period of their casual service was not obeyed within the period of six months granted by the Tribunal. That OA was filed by a different applicant and it would have been proper for him to agitate the matter if the directions of the Tribunal had not been implemented. If the applicants herein have a grievance in respect of the same matter, they may make a representation to the first respondent within two months and if such representation is made, first respondent shall consider it and pass appropriate orders as expeditiously as possible.

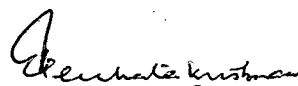
7. Applications are disposed of with the above directions.

No costs.

Dated, the 16th February, 1995.



P SURYAPRAKASAM
JUDICIAL MEMBER



PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

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List of annexures

OA-297/94

Annexure A-1 : True copy of the letter No.8/KTYM dt. 24.11.62 issued by the Permanent Way Inspector, Southern Railway Kottayam.

Annexure R.1 : True copy of the Extract of casual labour register.

OA-304/94

Annexure A.1 True copy of the order No.O.A.1163/91 dt. 5.3.92 of this Tribunal.

Annexure A.2 True copy of the letter No.8/KTYM dt.24.11.62 issued by the Permanent Way Inspector, Kottayam.

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