

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.340 of 1995

Monday this the 15th day of July, 1996.

CORAM

HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR. P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

(By Advocate Mr. V.R.Ramachandran Nair)

vs.

1. Union of India represented by the General Manager, South Eastern Railway, Garden Reach, Calcutta, West Bengal.
2. The Divisional Railway Manager, South Eastern Railway, Khurda Road, Orissa.
3. The Senior Divisional Personnel Officer, South Eastern Railway, Khurda Road, Orissa.
4. The Bridge Inspector (Regirdering), Birupa, South Eastern Railway, Jagatpur, Cuttack, Orissa- 754021. Respondents

(By Advocate Ms. Mary Nirmala for Thomas Mathew Nellimootil)

The application having been heard on 15th July, 1996, the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant seeks a direction to treat his service from 18.4.1976 as qualifying service for pension. The Railways reckoned fifty percent of the service from 1.1.81 to 1.4.88 (date of regularisation) as qualifying service on the reasoning that it is

only service rendered after attainment of temporary status, that counts as qualifying service for pension.

2. This Tribunal has held in a very large number of decisions like O.A. 569/90 of the Ernakulam Bench and O.A.485/91 of the Madras Bench that fifty percent of the casual service rendered after completion of six months continuous service will count for pension. We are bound by this precedent. The attainment of temporary status referable to Inderpal Yadav's case is a different concept. The service in question will count only for pensionary benefits and for no other.

3. We direct respondent Railways to treat fifty percent of the service rendered between 18.4.76 and 1.4.88 as qualifying service for pension, re-compute pensionary benefits and make payments to applicant. This will be done within three months from today, failing which the amounts will attract interest at eighteen percent. In no event shall the payment be beyond six months of today.

4. Original Application is allowed as aforesaid. No costs.

Dated this the 15th day of July, 1996.


P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN