

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

DATED: 29.6.93

O.A. 357/92

T.A. Joseph  
Sree Narayanapuram Junction,  
Thaikkattukara P.O.  
Alwaye

Applicant

vs.

1. The Divisional Personnel Officer  
Southern Railway,  
Personnel Branch, Thiruvananthapuram

2. Permanent Way Inspector,  
Southern Railway, Alwaye

Respondents.

Mr. S. Krishnamoorthy

Advocate for applicant

Mrs. Sumathi Dandapani

Advocate for  
respondents

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THE HON'BLE SHRI N. DHARMADAN JUDICIAL MEMBER

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THE HON'BLE SHRI R. RANGARAJAN ADMINISTRATIVE MEMBER

JUDGMENT

MR. N. DHARMADAN JUDICIAL MEMBER

Applicant who is a retired Railway employee filed this application under section 19 of the Administrative Tribunals'

Act with the following prayers:

- "1. To call for the records namely page 112-113 LT Register Book No. 3 kept in the PWI office, Alwaye showing service from 20.12.58
2. To direct the respondents to modify Annexure-1 by determining the rate of monthly pension reckoning service from 20.12.58 to 30.4.91 instead of 21.7.63 to 30.4.91 as qualifying service.
3. To direct the respondents to recalculate the other benefits of the applicant on the basis of revised pension payment advice.

4. Issue such other writs or orders as this Honble Tribunal may deem fit and proper to grant in the circumstances of the case and to subserve justice."


2. At the time when the case was taken up for final hearing learned counsel for respondents submitted that the case is covered by the judgment of this Tribunal in O.A. 1830/91 and submitted that the application itself can be disposed of allowing the O.A. The relevant portion in the judgment in O.A. 1830/91 is extracted below:

"In the above circumstances, we allow these applications to the extent of declaring that 50% of continuous casual service after the applicants had put in six months of such casual service even with breaks, shall be reckoned for the purpose of pension. The breaks in casual service will not be taken into account for grant of temporary status but intermittent casual service shall be taken into account for computation of six months period for the grant of temporary status to project casual labour. The respondents are directed to re-fix the retirement benefits of the applicants on this basis and revise the retirement benefits accordingly and pay arrears, if any. Action on the above lines should be completed within a period of three months from the date of communication of this order.."


3. In the light of the above judgment, we allow the application and direct respondents to modify Annexure-I to the extent of reckoning service of the applicant from 20.12.58 to 30.4.91 after making necessary verification with reference to the official records maintained by the respondents. Applicant may also produce whatever records available with him to establish his case that he had<sup>h</sup> worked as project casual labour from 20.12.58 onwards. If on verification it is found that the applicant had<sup>h</sup> been working as casual mazdoor w.e.f. 20.12.58, his pensionary benefits should be re-fixed counting 50% of the continuous service of the applicant in the project as laid down in O.A. 1830/91 and other connected cases. Action on the above lines

should be completed within a period of three months from the date of receipt of a copy of this judgment.

4. There shall be no order as to costs.



(R. RANGARAJAN)  
ADMINISTRATIVE MEMBER

  
(N. DHARMA RAJAN) 6.93  
JUDICIAL MEMBER

29.6.93

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1. Whether Reporters of local papers may be allowed to see the judgment? ~
2. To be referred to the Reporter or not? ~
3. Whether their Lordships wish to see the fair copy of the judgment? ~
4. To be circulated to all Benches of the Tribunal? ~

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1. Annexure-1: Letter No. TVC/P/06004202330 dated 1.5.91
2. Annexure-II: Certificate issued by Divisional Personnel Officer

3.