

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.384/2002.

Thursday this the 6th day of June 2002.

CORAM:

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

D.Nesa Paul,
Catering Cleaner (Retired),
Vegetarian Refreshment Room,
Southern Railway, Ernakulam South,
residing at: Therumpuvilla Veedu,
Perai, Thikkurichi (P.O.),
Kanyakumari District,
Tamil Nadu.

Applicant

(By Advocate Shri P.K.Madhusoodhanan)

Vs.

1. The Senior Divisional Personnel Officer,
Southern Railway, Thiruvananthapuram.
2. Union of India, represented by
its Secretary, Ministry of Railways,
Rail Bhavan, New Delhi. Respondents

(By Advocate Shri T.M.Nellimoottil)

The application having been heard on 6th June, 2002
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

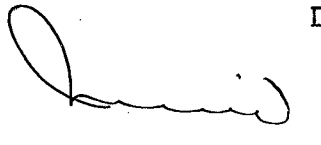
The applicant who commenced casual service under the Southern Railway in 1979 was granted temporary status w.e.f. 2.8.87. He was thereafter absorbed on a Group 'D' post w.e.f.31.3.97 and he eventually retired from service on 31.3.2001. Counting half the period of service after the date of temporary status granted to the applicant and the full service from the date of his appointment on a Group'D' post, the applicant had only eight and half years of service. The applicant was, therefore, granted the terminal benefits as admissible under Annexure A-2. He was not entitled to monthly pension. The applicant, thereafter, made a representation to the

first respondent on 5.7.2001 stating that, had the temporary status been granted to him at the appropriate time, he would have had sufficient length of service to be entitled to get minimum pension. Since the representation has not been disposed of, the applicant has filed this application for a direction to the first respondent to consider and pass orders on A-2 representation and also for a declaration that the applicant is eligible to be granted with temporary status on completion of 120 days of his continuous casual service as Cleaner and accordingly, calculate his qualifying service for pension.

2. When the O.A. came up before the Bench Shri Thomas Mathew Nellimoottil appeared for the respondents. We have heard the learned counsel of the applicant. The applicant was granted temporary status w.e.f.2.8.87. Thereafter, the applicant was absorbed on a Group 'D' post in the year 1997. If the applicant had a claim for temporary status on any date prior to 2.8.87, he should have challenged the order granting him temporary status w.e.f.2.8.1987. Having not done that it is not open for him after one and a half decade to rake up that claim. Further he has no definite case as to what is the date on which he should have been granted tempoary status. Since the total service of the applicant taking into account half the period of service after temporary status as also the full service on absorption, he had only eight and a half years of service which does not qualify him for retirement pension, the claim of the applicant is, unsustainable.

3. In the light of what is stated above, we do not find anything in this application which calls for its admission and therefore, the application is rejected under Section 19(3) of the Administrative Tribunals Act, 1985.

Dated the 6th June 2002.



T.N.T.NAYAR
ADMINISTRATIVE MEMBER



A.V.HARIDASAN
VICE CHAIRMAN

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APPENDIX

Applicant's Annexures:

1. A-1 : True copy of the Calculation sheet issued by the 1st respondent to the applicant.
2. A-2 : True copy of the representation dated 5.7.2001 submitted by the applicant to the 1st respondent.

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