

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. NO. 399/2010

Dated this the 21st day of July, 2011

CORAM

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER
HON'BLE Mrs. K. NOORJEHAN, ADMINISTRATIVE MEMBER

K. Chandrasekharan Pillai, S/o Krishna Pillai,
Retd.Store Chaser, O/o The Sr.Divisional Engineer,
Southern Railway,Trivandrum Division, Trivandrum
R/o Chandramangalathu House, Perumon, Perinadu P.O
Kollam District.

Applicant

By Advocate Mr. T.C.Govindaswamy.

Vs.

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

Respondents

By Advocate Mr. Thomas Mathew Nellimootttil

The Application having been heard on 11.7.2011. the Tribunal
delivered the following:

ORDERHON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER

The applicant, a retired Store Chaser of Trivandrum Division of Southern Railway, has filed this Application aggrieved by the refusal of the respondents to grant him the benefit of two sets of post-retirement complimentary passes every year.

2 Brief facts as stated by the applicant are that he was a regular Gangman w.e.f 1.1.1961. While working as Store Chaser under the Divisional Engineer, Southern Railway, Trivandrum Division he superannuated on 31.5.1996. The applicant filed OA 747/1996 before this Tribunal seeking declaration that 50% of the casual service rendered by him between 4.9.1960 to 20.4.1974 be treated as qualifying service for pension. The said OA was allowed by order dated 5.8.96 accordingly his pension was recalculated and paid on a total qualifying service of 29 years vide PPO dated 28.6.2000 (Annex.A1). He further submitted that in terms of Rule 8 of the Railway Servants (Pass) Rules, 1986 (Annex.MA1) Post Retirement Complimentary Passes are issued to a railway servant after retirement. As per Schedule IV of the Pass Rules, a Group-C railway employee with 20 years or more but less than 25 years would be entitled to one set of pass every year and the employee with minimum 25 years would be entitled for two sets of passes every year. It is averred that the Pass Rules further provides that the temporary services is taken in full for issuance of pass. In view of the above the applicant has a qualifying service of 35 years and as per Pension Rules he has 29 years qualifying service. Before filing the earlier OA his pension was calculated on total qualifying service of 22 years, accordingly he was granted only one set of pass every year. After the order in OA 747/96 his qualifying service was calculated as 29 years, he represented to the 3rd respondent on 5.8.97 (Annex.A3) for grant of 2 sets of passes. The 3rd respondent referred the matter to the 2nd respondent and the matter is still pending for want of clarification. Again vide Annex.A4, he approached



the Pension Adalat but it yielded no positive response. Thereafter he served a Lawyer's notice to the 2nd respondent to grant two sets of passes. That too elicited no response.

3 The respondents in their reply statement stated that the applicant had put in 22 years of service for the purpose of issuance of pass under the Pass Rules. Accordingly he is entitled for only one set of post-retirement complimentary 2nd Class pass per year. They further stated that by virtue of the order of this Tribunal dated 5.8.1996 50% of the casual labour service from 1.1.61 to 20.4.74 has been reckoned for the purpose of pension only which does not contain any direction for counting the service for issue of post-retirement complimentary passes. They further stated that post-retirement complimentary pass does not come under the provisions of pensionary benefits. Therefore they have correctly granted one set of pass per year.

4 We have heard learned counsel for the parties.

5 Admittedly this Tribunal vide order dated 5.8.1996, declared that 50% of casual service rendered by the applicant between 1.1.61 and 20.4.74 be treated as qualifying service for pension. Thus by virtue of the order of the Tribunal a revised pension payment order was issued and the applicant's pension was revised on a total qualifying service of 29 years. Thus it is clear that the applicant has 29 years of qualifying service at his credit and the Post-retirement Complimentary Pass Rules prescribes a minimum Railway service of 25 years to be eligible for grant of two sets of post-retirement complimentary 2nd Class passes per year. The only deciding factor for issuance of passes as per the Railway Pass Rules is the number of years of qualifying service. It does not stand to logic and reason not to take into account the years of qualifying service reckoned for pension for the purpose of issuance of passes as well.

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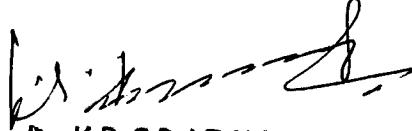
6 In this view of the matter, we declare that the applicant is eligible and entitled to two sets of post-retirement complimentary Pass per year in 2nd Class. The respondents are directed to issue two sets of post-retirement complimentary pass in 2nd Class from the year 2011 onwards, within a period of two months from the date of receipt of a copy of this order.

7 The O.A is allowed as above. No costs.

Dated 21st July, 2011


K. NOORJEHAN
ADMINISTRATIVE MEMBER

kkj


Dr.K.B.S.RAJAN
JUDICIAL MEMBER