

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA

Q. A. No. 38 of 1996

Date of order : 6.8.2002.

Bikarma Paswan @ Bikarma son of Akloo, resident of
Village-Tanya, P.D. Jha Pekhar, P.S. -Karamchhat, District-
Rahtas.

Applicant.

- Vrs. -

1. The Union of India through the Chairman, Railway Board, New Delhi.
2. General Manager, Eastern Railway, Mugal Sarai (U. P.).
3. Divisional General Manager, Eastern Railway, Mugal Sarai (U. P.).
4. Senior Divisional Personnel Officer, Eastern Railway, Mugal Sarai (U. P.).
5. P.Way Inspector, Eastern Railway, Dehri On-Sone, District-Rahtas.
6. Sri D.E. N. (Co-Ord), Eastern Railway, Mugal Sarai, U. P.).

Respondents.

Counsel for the applicant : None

Counsel for the respondents : Shri Gautam Bose.

C O R A M

Hon'ble Mr. Sarweshwar Jha, Member (Administrative)

Hon'ble Mrs. Shyama Dogra, Member (Judicial)

ORDER (Dictated in Court)

By Sarweshwar Jha, Member (A) :-

The learned counsel for the official respondents Shri Gautam Bose is present. However, none is present on behalf of the applicant. On perusal of the order dated the 18th July 2002, it is observed that the matter was adjourned as a last chance. The learned counsel for the official respondents argued the case and was heard. On perusal of the documents, both ^{the} original application as well as the written statement, including the supplementary

Sarweshwar Jha

affidavit filed by the applicant, the totality of the case emerges in a more clear light. It appears that the respondents have taken the services rendered by the applicant only since the date he was granted temporary status on 29.5.1985 for the purpose of calculating pensionary benefits. However, on closer perusal of the supplementary affidavit filed by the applicant, it transpires that the applicant has rendered quite a long period of service as a casual labourer. This fact is corroborated by what he has submitted in Annexure-A/5 to the supplementary affidavit. Also there are indications at page 8 to the supplementary affidavit that the applicant was in casual service of the respondents even earlier. In this connection, particular attention is drawn to Annexure-A/1 to the original application where it has been mentioned during the course of proceedings before the Pension Adalat, ^{that} ~~the~~ service book of the applicant was examined, and the date of appointment was found to be the 29th May 1985. Accordingly the total period of service was found to be only seven years and there is no mention of casual service having been rendered by the applicant.

2. There is, however, a need for the respondents to examine the matter in the light of the details submitted by the applicant in Annexure-A/5 to the supplementary affidavit as well as the facts that a Railway Official has signed a paper which is at page 8 to the supplementary affidavit on 6.12.1984. It shows that the applicant was in service of the Railways in 1984. The most appropriate course would, therefore, be that these details are given

 *[Handwritten signature of the author, appearing to read 'J. M. Shrivastava, A.O.]*

a fresh look by the respondents and appropriate and reasoned order is issued by them in accordance with law/rules on the subject as well as after carrying out the necessary verification of the services rendered as well as their genuineness as submitted by the applicant. The said order may be issued by the respondents within a period of four months from the date of receipt/production of this order. With this, the Q.A. stands disposed of, with no order as to costs.

Sarweshwar Jha

M.S.

(Shyama Deora)/M(J)

(Sarweshwar Jha)/M(A)