

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA.**

O.A. No. 98 of 2006

Date of order : 01.12.2006

C O R A M

Hon'ble Ms. Sadhna Srivastava, Member (J)

Somaru Ram, S/o Late Sukhdeo Ram, Ex- Care Taker, under Deputy Chief Engineer (Con), E.C.Railway, Kodarma, presently residing at Station Road, Bata More Gaya, District – Gaya, Bihar.

....Applicant

By Advocate : Shri M.P. Dixit

Vs.

1. The Union of India through the General Manager, E.C. Railway, Hajipur.
2. The Chief Administrative Officer, (Con), E.C. Railway, Mahendru ghat, Patna.
3. The F.A. & CAO (Con), E.C. Railway, Mahendru ghat, Patna.
4. The Senior D.P.O. E.C. Railway, Dhanbad.
5. The Senior D.F.M., E.C. Railway, Dhanbad.
6. The Deputy Chief Engineer (Con), E.C. Railway, Kodarma.

....Respondents

By Advocate : Shri Mukund Jee.

OR D E R (Oral)

By Sadhna Srivastava, M (J):-

This case was taken up at the admission stage. I



am of the opinion that it can be disposed of at this stage for the reason that the point involved had already been settled by the Single Bench and Division Bench of this Tribunal, with reference to the decision of the High Court as well.

2. Despite time having been granted to the respondents written statement has not been filed.
3. The point involved in the case is whether half of the period of temporary status can be counted for the purpose of pension if that was followed by absorption of casual labour under temporary status in a regular post. The applicant while working in the railway superannuated with effect from 31.7.2005. He was initially appointed as casual labour before 1.1.1984 and subsequently granted temporary status with effect from 1.1.1984 and further, he was regularised with effect from 1.4.1988 on the post of Care Taker as is evident from Annexure A/1 and A/2. The dispute relates to the counting of effective service for the purpose of pensionary benefits. The applicant claims that he had worked as temporary status employee for the period from 1.1.1984 to

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31.3.1988. The respondents have counted only 50 per cent of the said period as qualifying service. The learned counsel for the applicant submits that different benches of the CAT as well as Andhra Pradesh High Court in the case of General Manager, South Central Railway vs. S.A. Khader, 2004 (2) ATJ page 23 have granted the benefits as sought in the application i.e., adding the entire period of service rendered as temporary status, for calculation of pension.

4. In the case of General Manager, S.E. Railway (Supra) , the Andhra Pradesh High Court, after considering the various rules, including Rules 13 and 21 of Indian Railway Service (Pension) Rules, 1993, the provision under the Master Circular, the circular No. 54 of 1994 and para 2005 of Indian Railway Establishment Manual, Vol II has held that once a casual labour is granted temporary status and later regularly absorbed in service is entitled to get the service counted in full from the date on which he got the temporary status. He is also entitled to get the half of the service counted from the date of joining as casual labour. A similar

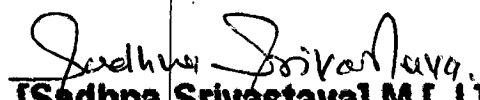
matter was considered by Division Bench of the Tribunal at Patna Bench in OA 505 of 2005 which was disposed of vide order dated 29.11.2006, in which similar benefit was granted to the applicant.

5. The applicant has claimed relief in respect of casual labour service rendered by him. However, no detail has been provided. Therefore, this Tribunal cannot ascertain the reliefs due to him.

6. In view of the above position, the OA is disposed of with direction to the respondents to get the qualifying period of service of the applicant, for the purpose of pensionary benefits ^{re} calculated afresh adding thereto the entire period of service undergone by the applicant under temporary status. This should be done within three months from the date of receipt of copy of this order, whereafter arrears of retiral benefits, including pension should be paid within one month, failing which the amount of unpaid arrears would be payable with interest @ 9 % per annum from the date of expiry of period of four months, after receipt of copy of



this order, till the amount is actually paid. There shall, however, be no order as to the costs.


[Sadhna Srivastava] M [J]

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