

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA 556/05

Patna, dated the 19th May, 2006

CORAM: The Hon'ble Mr.S.N.P.N.Sinha, M[A

Prithwi Nath Sharma, son of Late Ram Das Kuar, Ex-Fitter Grade II under Sr. Section Engineer[Loco], EC Railway, Danapur, Village Viramparsa, PO Rivelganj, District Saran.

.. Applicant

By Advocate:: Shri M.P.Dixit

versus

1. The Union of India through General Manager, EC Railway Hajipur.
2. Sr. DPO, EC Railway, Danapur.
3. Sr. DME, EC Railway, Danapur.
4. Sr. DME, EC Railway, Danapur.
5. Sr. DFM, EC Railway, Danapur.
6. Senior Section Engineer [Loco] EC Railway, Danapur.

.. Respondents

By Advocate: Shri M.N. :Parbat

ORDER

S.N.P.N.Sinha, Member[A}:

The present application has been filed on behalf of Shri Prithwi Nath Sharma who retired as Fitter in E.C. Railway, Danapur. It is said on his behalf that his pension order wrongly mentions 11.6.1971 as his date of appointment whereas it should have been 25.6.1963. It is said that he retired from service on 31.7.2001 and the pensionary benefits have been calculated and paid taking his date of appointment as 11.6.1971. He has been representing his case but the date of his appointment has not been corrected. Photo copy of medical certificate for physical fitness has been filed which is dated 21.6.1968 in which he has been shown serving as substitute and considered fit for service in Class A2 and below and unfit for A1. Another photo copy of a letter from

Section Engineer, Danapur has been filed which shows his date of appointment as 25.6.1963. It was said on behalf of the respondents that the application has been filed with undue delay. It has been further said that from his Service-Book, it is clear that he entered Railway Service on 11.6.1971. The certificate filed on the applicant's behalf is from Section Engineer, Danapur, who is not competent to issue such a letter.. He is also not the custodian of the Service-Records of the employees. It was further said that the letter has been issued on 8.1.2002 after the retirement of the applicant on 31.7.2001. The certificate itself shows the applicant working as substitute, such a substitute under the Railway Service Rules shall not be deemed to be railway servant unless absorbed in regular service.

2. In the rejoinder it has been said on applicant's behalf that he was appointed as substitute in 1963 and subsequently posted as Cleaner and so he was medically examined in 1968. The Service-Book has been signed by the applicant, his mere signature does not make him responsible for the entries. The medical certificate shows that he was already absorbed as Cleaner in 1968 itself.

3. From the pleadings made in this case on behalf of the two sides, it appears that undisputedly the applicant retired on 31.7.2001. The particulars of certificate, a copy of which has been filed on behalf of the respondents, shows his entry into service on 11.6.1971. It was said on the respondents behalf that he has signed these particulars and his signature is in English. It is, therefore, apparent that the application was filed before this Tribunal on 19.8.2005 claiming that the applicant's date of retirement was 8 years before his date of retirement shown in the service record. When it was pointed out on the respondents' behalf that the medical certificate shows his service as that of a substitute which does not entitle him for pensionary benefits, it was pointed out on applicant's behalf that such service shall be counted for pension if it is followed by absorption in a regular post without any break. This was cited as Rule 32 of Railway Service Pension Rules, 1993. But nothing was produced to show that this service as

substitute was followed by absorption without any break. The only document filed on the applicant's behalf was a copy of the medical certificate dated 11.6.1968 in which the applicant is shown as a substitute.

4. Hence, there appears to be no legally sustainable reason to intervene in the matter. The application is disposed of as such at the stage of admission itself. No order as to costs.



[S.N.P.N.Sinha] M[A]

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