

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE NINTH DAY OF FEBRUARY, 1987

Present : Hon'ble Shri Ch.Ramakrishna Rao Member(J)
Hon'ble Shri P.Srinivasan Member(A)

APPLICATION No.1231/86(T)

D.Chennaiah,
H.No.70, Gandhiwada,
Gadag Road, Jopadi,
Hubli, DHARWAR DISTRICT.

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APPLICANT

(Shri M.Rama Bhat

...

Advocate)

Vs.

1. The Additional Chief
Mechanical Engineer,
S.C.Railway Workshop,
HUBLI.

2. The Divisional Railway
Manager, S.C.Railway,
HUBLI.

3. The Regional Provident Fund
Commissioner, Bhavishyanidhi
Bhavan, No.8, Rajaram Mohun Roy Road,
P.B.No.2584, Bangalore - 25.

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RESPONDENTS

(Shri M.Sreerangalah

...

Advocate)

This application has come up before the court today.

Hon'ble Shri Ch.Ramakrishna Rao, Member(J) made the following :

ORDER

This is a transferred application received from the
High Court of Karnataka under section 29 of the Administrative
Tribunals Act, 1985.

2. The applicant was initially appointed as an unskilled
worker in the Railways on 8.6.1943, but he resigned from Railway
service with effect from 4.11.1968. Thereafter he was given a
fresh appointment with "bottom seniority" as a Turner. Dis-
ciplinary proceedings were initiated some time early in 1980




against the applicant, on the ground that he had wilfully disobeyed the orders of his superiors. He was placed under suspension from 25.2.1980 to 6.11.1980 and was finally compulsorily retired with effect from 28.2.1981.

3. The prayer in this application is that a direction be issued to the respondents to give the applicant retirement benefits such as pension, gratuity, provident fund contribution, etc. The order imposing the penalty is not challenged but the claim of the applicant is that even in terms of that order he is entitled to retirement benefits which had not been fully paid to him.

4. Shri Rama Bhat, learned counsel for the applicant reiterated that his client had not been paid all the retirement benefits due to him. Shri M. Sreerangaiah for the Respondents showed us receipts signed by the applicant to prove that balances in the provident fund, monies due to him under the Railway Employees Insurance Scheme, gratuity and all arrears of pay and allowances had been paid to him in full. Therefore, what remains of the prayer is pension, if any, due to the applicant. According to Shri Srirangaiah a person has to complete 10 years of qualifying service to be eligible for pension. The applicant had completed 9 years and 7 months of qualifying service, thus falling short by five months. Therefore he was not entitled to any pension.

5. Shri Rama Bhat at this stage wanted to see the service book of the applicant to verify the calculation of qualifying service of the applicant. After going through the service book he contended that certain periods of leave granted to the applicant had not been treated as qualifying service and that if these periods had been taken into account the applicant would be eligible for pension.



6. This is a matter of detailed verification which can be done by the officials of the Respondents. We would, therefore, direct the applicant to approach the Respondents explaining how he had the necessary qualifying service for earning pension. We direct the Respondents to give him a hearing, verify his claim and thereafter determine whether he had the requisite qualifying service for being paid pension. If his claim is found to be correct pension due to him may be paid from the date of his compulsory retirement. We would direct the respondents to do all this as expeditiously as possible and in any case before the end of six months from the date the applicant makes his application to them.

7. The application is disposed of as indicated above. There will be no order as to costs.

C. J. M. S. R.
MEMBER(J)

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MEMBER(A) 9/2/87

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