

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 20 MAR 1989

APPLICATION NO (A) 1108 / 88(F)

W.P. NO (S) _____

Applicant (A)

Shri C. Boraiah
To

Respondent (S)

V/s The Senior Divisional Accounts Officer,
Southern Railway, Mysore

1. Shri C. Boraiah
S/o Late Shri Chikkaboraiah
Door No. H.K. 40,
Hanakeri
Mandya Taluk & District
2. Shri M. Raghavendre Achar
Advocate
1074-1075, Banashankari I Stage
Sreenivasanagar II Phase
Bangalore - 560 050
3. The Senior Divisional Accounts Officer
Southern Railway
Mysore Division
Mysore
4. Shri K.V. Lakshmanachar
Railway Advocate
No. 4, 5th Block
Briand Square Police Quarters
Mysore Road
Bangalore - 560 002

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER/~~STAY~~/~~INTERIM~~/~~ORDER~~
passed by this Tribunal in the above said application(A) on 17-3-89.

Encl : As above

DEPUTY REGISTRAR
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE.

DATED THIS THE 17TH DAY OF MARCH, 1989.

Present:

Hon'ble Mr. Justice K.S. Puttaswamy,

.. Vice-Chairman.

And:

Hon'ble Mr. L.H.A. Rego,

Member(A).

APPLICATION NUMBER 1108 OF 1988

C. Boraiah,
Aged about 58 years,
S/o late Chikkaboraiah,
H.K. 40, Hanakeri,
Mandya Taluk & District.

.. Applicant.

(By Sri M. Raghavendrachar, Advocate)

v.

Senior Divisional Accounts
Officer, Southern Railways,
Mysore Division, Mysore.

.. Respondent.

(By Sri K.V. Laxmanachar, Advocate)

This application having come up for hearing this day, Hon'ble Vice-Chairman made the following:

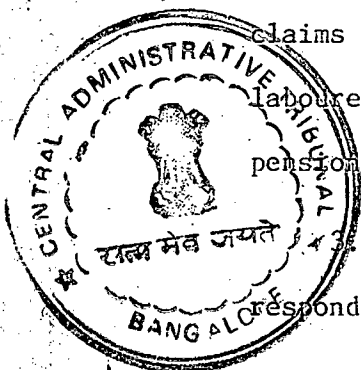
ORDER

This is an application made by the applicant under Section 19 of the Administrative Tribunals Act, 1985.

2. Sri C. Boraiah, applicant before us, commenced his career as a casual labourer in 1960/61 and continued in the said capacity intermittently for a fairly long time. He was absorbed as a regular employee with effect from 10-11-1976. On his accepted date of birth, he has retired from service on 30-4-1988. After his retirement, pension admissible to him in accordance with the Rules and Orders regulating the same has been extended to him. But, the applicant claims that the entire service rendered by him both as a casual labourer and as a regular employee should be reckoned in full and pension admissible on that basis should be extended to him.

In justification of the pension determined and paid, the respondent has filed his reply and has produced the records.

4. Sri M. Raghavendrachar, learned counsel for the applicant



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applicant, contends that the entire service rendered by his client both as a casual labourer and as a regular employee should be reckoned for computation of pension instead of computing only half the service rendered by him as a casual labourer.

5. Sri K.V.Laxmanachar, learned counsel for the respondent sought to justify the determination of pension made by the respondent.

6. In computing the pension admissible to the applicant, the respondent has taken one half of the service rendered by the applicant as a casual labourer. In so doing, the respondent has taken into consideration letter No.P(L)407/Rules dated 17-5-1983 issued by the Railway Board. We have perused the letter dated 17-5-1983 issued by the Railway Board. In that letter the Railway Board has directed that when a casual labourer is later absorbed as a permanent employee then only half the service rendered by him as a casual labourer should be reckoned for purpose of pension. The determination made by the respondent is in conformity with the letter issued by the Board.

7. The applicant has not challenged letter/directions issued by the Board which are binding on the respondent. If that is so, the claim of the applicant that entire service rendered by him as a casual labourer should be reckoned for purposes of pension is misconceived and cannot be granted. On any view of the matter the claim of the applicant for enhancement of pension is without any merit and cannot be accepted.

TRUE COPY

8. In the light of our above discussion, we hold that this application is liable to be dismissed. We, therefore, dismiss this application. But, in the circumstances of the case, we direct the parties to bear their own costs.

P. Thyagaraj
20/6/89
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

sd/-
VICE-CHAIRMAN

sd/-
MEMBER(A)
17/3/89
(7.3.89)