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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH  
AT HYDERABAD.

O.A.1068/97.

Date of decision: 25-1-1999

Between:

Lalman Balram. .. Applicant.

And

1. The General Manager, represented by  
Union of India, S.C.Railway, Rail  
Nilayam, Secunderabad.
2. Chief Personnel Officer, S.C.Railway,  
Rail Nilayam, Secunderabad.
3. Divisional Railway Manager (Personnel),  
Hyderabad Division, S.C.Railway,  
Secunderabad.
4. Divisional Personnel Officer,  
Hyderabad Division, S.C.Railway,  
Secunderabad.
5. Yankoba, .. .. Respondents.

Counsel for the Applicant: Sri S.Ramakrishna Rao.

Counsel for the Respondents: Sri C.V.Malla Reddy.

CORUM.

Hon'ble Sri R.Rangarajan, Member (A)

Hon'ble Sri B.S.Jai Parameshwar, Member (J)





(H)

O.A.1068/97.

(by Hon'ble Sri R.Rangarajan,Member(A))

Heard Sri S.Ramakrishna Rao for the Applicant  
and Sri C.V.Malla Reddy for the Respondents.

The Applicant in this O.A., submits that he was a casual labour Kalasi from 1966 onwards and he was made a CMR Carpenter temporary status kalasi with effect from 19.8.1978. He was conferred temporary status of CMR Carpenter in the Artisan category with effect from 19-7-1989. His services were regularised as a regular carpenter with effect from 3.1.1992. He retired from service on 28.2.1993. The applicant submits that he should have been regularised under the de-casualisation scheme earlier to 19.8.1978. If that was so, he would have got pension and pensionary benefits.

This O.A., is filed praying for a direction to the respondents to treat him as having been absorbed with effect from 19.7.1987 with all consequential benefits, pension and pensionary benefits.

A reply has been filed by the respondents in this O.A. In para 8 of the reply it is stated that the applicant's services as CMR/Khalasi from 19.8.1978 to 2.1.1982 is 14 years, 4months and 15 days. 50% of that period i.e., 6 years 8months and 8 days are to be taken for calculating the qualifying service. The applicant was made a regular carpenter from 1.1.1992 and he retired on 28.2.1993. Thus a period of one year, one month and

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16 days is also to be taken as qualifying service.

Thus the qualifying service is 7 years, 9 months and 26 days which is less than 10 years service, Hence, he is not entitled for any pension and pensionary benefits.

The applicant has not indicated any details in regard to his service particulars. He only submits that/should have been regularised with effect from 19.8.1978. That too as a carpenter. But there is no material available to come to conclusion that he should be treated as a regular carpenter since 1978 as per the records available. ~~and~~ ~~xx~~ as per letter dated 25.4.1991 addressed to the Labour Enforcement Officer (Central) Sada Anand, Indraprashta, Up-Nagar, Nasik by DRM(P)MG/HYN/SC (Annexure 5 page 16 to the O.A.) it appears that the applicant was engaged as casual labour on 21.8.1967 and acquired CMR Status on 19.8.1978 by virtue of continuous service rendered by him. It is also not clear when ~~the~~ proposal came into being. Though the applicant submits that the de-casualisation Scheme ~~proposed~~ came into existence in the year, 1989, No records have been produced to this effect. Earlier also the applicant ~~had~~ filed O.A.370/92 on the file of the Bombay Bench of the Tribunal, That O.A., was disposed of as having no merits. That dismissal was due to incomplete details given by the Applicant.

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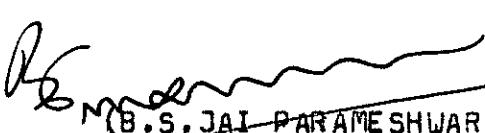
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In view of the above circumstances, we feel that the applicant should make out a detailed representation in regard to his case and bring out correctly as to how he is entitled for the payment of pension and pensionary benefits. He should submit his representation to the concerned respondent Authorities for consideration. If such a representation is received the same should be disposed of by the respondents Authorities in accordance with law.

The O.A., is disposed of as above.

No costs.

  
B.S. JAI PARAMESHWAR

MEMBER (J)

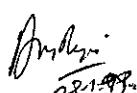
25/1/99

  
(R. RANGARAJAN)

MEMBER (A)

Date: 25.1.1999

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25/1/99

Dictated in open Court.

sss.

✓ *W/202*  
1ST AND 2ND COURT

COPY TO:-

1. H.D.H.N.J.
2. H.N.R.P. M.(A)
3. H.B.S.P. M.(J)
4. D.R.(A)
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TYPED BY  
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : HYDERABAD.

THE HON'BLE MR. JUSTICE D. H. NASTIR :  
VICE CHAIRMAN

THE HON'BLE MR. H. RAJENDRA PRASAD :  
MEMBER (A)

THE HON'BLE MR. R. RANGARAJAN :  
MEMBER (A)

THE HON'BLE MR. B. S. JAI PARAMESWAR :  
MEMBER (J)

ORDER/ JUDGMENT

M.R./R.A./C.P.NO.

In

O.A. NO. 1068/97

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALL QUED

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/ REJECTED

NO ORDER AS TO COSTS

SRR

(8 copies)

