

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

ORIGINAL APPLICATION NO. 1093 OF 1999

DATE OF ORDER : 28.9.2000

Between:-

K. Balasubramanyam.

...APPLICANT :

AND

1. The General Manager,
S.C. Railway (Rep. UOI),
Rail Nilayam,
Secunderabad.
2. The Divisional Railway Manager,
S.C. Railway, Guntakal Division,
Guntakal.
3. Sr Divisional Personnel Officer,
S.C. Railway, Guntakal Division,
Guntakal.

...RESPONDENTS

COUNSEL FOR THE APPLICANT : Mr S. Rama Krishna Rao
COUNSEL FOR THE RESPONDENTS : Mr D.F. Paul, SC

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THE HON'BLE SHRI R. RANGARAJAN : MEMBER (A)
THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (J)

(Order per Hon'ble Shri R. Rangarajan, Member (A)).



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(Order per Hon'ble Shri R. Rangarajan, Member(A)).

Heard Mr S. Rama Krishna Rao learned counsel for the applicant and Mr D.F. Paul learned standing counsel for the respondents.

2. The applicant in this OA submits that he has joined as approved substitute in the year 1962 and for that he relies on the office order No. P.III/Tfc./138 dated 18.8.1962(A.I). He further submits that his name stood at Sr.No. 60 in that list wherein it is indicated as ^{approved} substitute ~~under~~ Station Superintendent, Guntakal whereas the respondents submit that he was posted as LR Gateman in the year 1965 and on that basis, when he retired from service, his pension and pensionary benefits were decided. The applicant's contention is that if had his date of joining taken as 1962, he would have got more pensionary benefits because of long length of service.

3. This OA is filed praying for a direction to the respondents to count the service rendered by the applicant from 2.9.1962 to 19.11.1965 as approved substitute as per the letter dated 18.8.62 and as confirmed by the R-3 vide his letter dated 11.12.96 , as qualifying service for the purpose of pension and pensionary benefits as was considered in respect of orders in OA no 1006/98 and 1042/98 (A.XXI & A.XXII) and for a consequential direction to the respondents to grant the relief as prayed for as above by upgrading his pension and pensionary benefits.

4. Earlier, we have given orders in the case of one Shri S. Sundarnathan (OA NO. 1006/98) and Shri G. Thimmaraju(OA NO.1042/98) to grant them pensionary benefits counting their service from the year 1962 onwards as their names were found in the list of 18.8.1962.



5. The learned counsel for the respondents submits that the applicant's name is spelt as K. Balasubramanyam whereas in the list dated 18.8.1962 it is spelt as K. Balasubramaniam. The applicant has also signed as K. Balasubramanyam. Hence, there is a variation in the ~~name~~ of the applicant in the list of 18.8.62 and the signature given by him in the OA affidavit. Hence, he submits that the applicant is not the same as the one indicated in the list of 18.8.62.

6. In order to see whether both K. Balasubramanyam i.e. the present applicant herein and the candidate in the list of 18.8.62 are one and the same, we called for the service particulars of the applicant. It is seen from the service particulars that the name of the applicant is spelt out as K. Balasubramanyam and not as K. Balasubramaniam. However, the left hand thumb impression of the applicant is available in the service particulars. This should act as a proof to see whether the K. Balasubramanyam i.e. the present applicant herein and the candidate in the list of 18.8.62 are one and the same. If the identity of the applicant is judged as the same as the candidate in the list of 18.8.62, then the applicant should also get the same benefits as was granted to other applicants in OA No. 1042/98 and OA NO. 1006/98. If the applicant and K. Balasubramaniam in the list of 18.8.62 are not one and the same, then the case has to be dismissed.

7. In order to verify the identity as above, the respondents should now call the applicant to come to the office and take a thumb impression of his left hand and the ~~the~~ thumb impression now taken should be verified with the left hand thumb impression affixed by the applicant in his service particulars. The left hand thumb impression now obtained should be taken in the same manner ^{as} ~~was~~ taken in the service particulars. Both the left hand thumb impression now taken and the thumb impression available in the service particulars should be sent to a Finger Print expert for comparing them. On

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comparison, if both are same, then the direction as given above has to be implemented.

8. Time for compliance is 4 months from the date of receipt of a copy of this order.
9. The Service Register perused and returned back.
10. The OA is ordered accordingly. No costs.


(B.S.JAI PARAMESWAR)
MEMBER (J)


(R.RANGARAJAN)
MEMBER (A)

DATED 28th SEPTEMBER, 2000
DICTATED IN OPEN COURT

Asl/