

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Order : 6.7.2000

OA 55/98

Shri Narayan Gurjar S/o Shri Sheo Bux aged about 59 years resident of Archi KA Bas, Gudha Road, Bandi Kui last employed on the post of (Guard A) under Divisional Operating Manager, Western Railway, Jaipur Division.

.... Applicant.

Versus

1. Union of India through General Manager, Western Railway, Church Gate, Mumbai.
2. Divisional Railway Manager (Estab.), Western Railway, Jaipur Division, Jaipur.

.... Respondents.

Mr. Shiv Kumar, Counsel for the applicant.
Mr. R.G. Gupta, Counsel for the respondents.

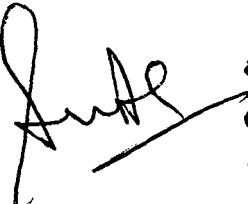
ORAM

Hon'ble Mr. S.K. Agarwal, Member (Judicial)

ORDER

(PER HON'BLE MR. S.K. AGARWAL, MEMBER (JUDICIAL))

In this Original Application filed u/s 19 of the Administrative Tribunals Act, applicant makes a prayer to direct the respondents to count the period of services of the applicant w.e.f. 21.5.57 to 5.7.66 for the purpose of pensionary benefits and to revise the pension of the applicant accordingly and pay arrears of pension and interest thereon.


2. In brief, the facts of the case, as stated by the applicant, are that applicant was initially appointed as Gangman on 21.5.57 on regular basis under P.W.I. Bandi Kui. Thereafter, Railway Service Commission issued an employment notice No. 1/63-64 Category No. 1. The applicant submitted application in pursuance of notification issued by Railway

Service Commission, Mumbai for the post of Trains Clerk and the applicant was selected for the post of T.N.C. by Railway Service Commission, Mumbai. He was sent for training and he was asked to report for training at Udaipur vide order dated 17.10.64. The applicant joined the post of TNC on 6.10.66. It is stated that applicant retired from service on 30.9.96 but he was given pension without counting the service w.e.f. 21.5.57 to 5.7.66. The applicant filed a representation and also legal notice but with no avail. It is stated that applicant is entitled to pensionary benefits after counting his services w.e.f. 21.5.57 and refusal to pay the pension accordingly is illegal and arbitrary action of the respondents. Therefore, applicant filed this Original Application for the reliefs, as above.

3. Reply was filed. It is stated in the reply that claim of the applicant is not supported by any authentic document on which reasonable reliance can be placed and applicant did not take any step to get the past services verified for counting the same for the purpose of pension when he was in service. Applicant did not place any material on record establishing the fact that he worked as Gangman on regular basis w.e.f. 21.5.57 and in the absence of forty years old record being not available, the fact of service cannot be verified. It is also stated that letter (Annexure A-3) is unsigned document and Annexure A-4 is undated typed document. The applicant was asked to report on 16.10.64 for admission in Zonal Training School, Udaipur but sparing letter (Annexure A-3) is dated 13.8.65 which means after ten months. It is stated that there is contradiction on the date on which applicant was required to report to training School, Udaipur and the date mentioned in letter (Annexure A-4) which makes the applicant's case doubtful and unreliable. Therefore, on the basis of averments made in the reply, it is stated that on the basis of documents filed by the applicant, applicant has no case and this OA is devoid of any merit and is liable to be dismissed.

4. Heard the learned counsel for the parties and also perused the whole record.

(10)

5. It appears that applicant, Shri Narayan Gurjar, had build up perks for appointment as Track Signaller/Ticket Collector/Office Clerk/Guard TTC in pursuance of notification No. 1/63-64. In this application (for which photostate copies filed), applicant has mentioned that he was working as Gangman under PWI Bandi Kui w.e.f. 21.5.57. Letter at Annexure A-3 filed by the applicant also makes it clear that vide this letter dated 13.8.65, Department has issued the directions to spare the applicant to attend TNC training at Udaipur. Applicant also filed a photostate copy of the letter dated 22.4.67 issued by the Western Railway to D.S.O., Bandikui regarding the applicant. In that letter, date of appointment of the applicant has been shown as 21.5.57 and a letter dated 13.8.65 filed by the applicant also mentions that the applicant may be spared to attend TNC training at Udaipur. All the averments made by the applicant go to show that before the selection made by Railway Service Commission, Mumbai, applicant was working as Gangman in Railways under PWI, Bandi Kui. According to the applicant, he claims to work on the post till 5.7.66 but this fact has to be verified by the Department from the record and only on this ground that it is a matter pertaining to old record, the prayer of the applicant for revising his pension on the basis of past service rendered by him should not be brushed aside. On the basis of above, I am of the opinion that applicant is entitled to revision of his pension in case on verification it is established that he had worked on the post of Gangman on regular basis w.e.f. 21.5.57 under PWI, Bandi-Kui. It is made clear that he will be entitled to revision of pension only if on verification, it can be established that applicant has actually worked on the post of Gangman under PWI, Bandi-Kui w.e.f. 21.5.57 and till he worked on the post, the period can be taken into consideration for the purpose of revising his pension.

6. I, therefore, allow this Original Application and direct the respondents to revise the pension of the applicant after verification of the services rendered by the applicant as Gangman on regular basis under PWI Bandi-Kui and to pay the arrears accordingly with interest @ 12% per annum to the applicant within four months from the date of receipt of a copy of this order. No order as to costs.


(S.K. Agarwal)
Member (J)