

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 696 of 2003

Jabalpur, this the 6th day of April, 2004

Hon'ble Mr. M.P. Singh, Vice Chairman

Kapoor Singh Yadav S/o Late Chintoo
Singh, Aged about 62 years, R/o Maganj
Ward No.5 Distt. Damoh(M.P)

APPLICANT

(By Advocate - Ms. Neelam Goel)

VERSUS

1. Union of India
Through the General Manager
Central Railways,
New Delhi.
2. Divisional Railway Manager
Central Railways,
District Jabalpur(M.P.)
3. The Divisional Accounts Officer
Central Railways,
District Jabalpur(M.P)

RESPONDENTS

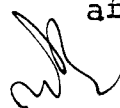
(By Advocate - Shri M.N. Banerjee)

O R D E R (ORAL)

By filing this OA, the applicant has sought the following main relief :-

"(1) direct the respondents to make the payment of the amount of the provident fund, increments and accordingly the amount of increase of pension from dtd.5.9.63 to 26.10.70 the period of 7 years of service, to the applicant."

2. The brief facts of the case are that the applicant was appointed as Gangman on 5.9.1963 and was medically decategorised on 17.9.68 and also subsequently engaged as substitute Hammal on 26.10.1970. He was retired on superannuation on 31.7.01. The grievance of the applicant is that the period from 5.9.63 to 26.10.70 has not been counted by the respondents for the purpose of grant of increments and payment of provident fund. Aggrieved by this, the applicant has filed this OA claiming the aforesaid reliefs.



3. Heard the learned counsel for the parties.

4. The learned counsel for the applicant has stated that the applicant joined the service under the respondent as Gangman on 5.9.1963 but the respondents have not granted him any increments and ~~have~~ also not paid him ^{towards the provident fund} the amount of contributions ~~from~~ 5.9.63 to 26.10.70. She also states that the full retiral dues have not been paid to the applicant. The learned counsel has also stated that an account No. 06160852 was earlier allotted to the applicant when he was working in the Engineering department. The respondents have credited the amount in the provident fund in account No. 06358020 and not in the account No. 06160852 which was allotted to him in Engineering department. She has further stated that provident fund account No. 06358020 was allotted when the applicant was on commercial department and account No. 06160852 was allotted when he was in Engineering department and the amount credited in account No. 06160852 has not been adjusted in account No. 06358020.


5. On the other hand the learned counsel for the respondents has stated that the applicant was recruited in the year 1963 as Gangman but he was medically decategorised for the period from 17.9.68 to 26.10.70. Since the applicant did not perform his duty during this period and he did not earn any wages therefore, he could not be granted any increment. According to the learned counsel for the respondents, the applicant's ~~amount has been paid~~ service for the period from 1963 to 1968 and thereafter ^{has been considered for pension} from 1970 onwards, ~~and~~ he has further stated that he has been fully paid the provident funds of contribution. He ^{stated} has also ~~that~~ that if the contention of the learned counsel for the applicant is accepted to the effect that whole period from 1963 to 1970 has not been counted for

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the purpose of increment etc., ^{then} the other full benefits ^{retirement &} [^] ~~had not~~ been granted to him treating his service as 33 years on superannuation. They have submitted that the applicant has been granted full pensionary benefits which are entitled after rendering 33 years of service.

6. We have given careful consideration to the rival contentions made by the parties and we find that the applicant was recruited in the year 1963 as Gangman. Since the applicant was medically decategorised on 17.9.68 and during the period from 17.9.68 to 16.10.70 he did not perform his duty therefore, there is no question of granting him increments of that period. It is not the case of the applicant that he has not been granted full pension after taking into account his 33 years of service. Therefore, the contention of the applicant that the service rendered by him from the year 1963 to 1970 has not been counted, does not have any logic and, therefore, is rejected. The applicant has been paid all retiral dues as per rules. He has no right to claim for increment for the period he was medically decategorised from 17.9.68 to 16.10.70. Moreover, the case is highly belated and is barred by time. The present claim pertains to more than 40 years old.

7. For the reasons recorded above, the OA is bereft of merits. Accordingly, it is dismissed. No costs.


(M.P. Singh)
Vice Chairman