

**CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH
CIRCUIT AT INDORE**

O.A. NO.188/2002

Indore, this the 12th day of August, 2003

HON'BLE SHRI SHANKER RAJU, MEMBER (J)

HON'BLE SHRI R. K. UPADHYAYA, MEMBER (A)

Bhanwarlal S/O Ratanlal,
Gangman/Watchman, under
Chief Permanent Way Inspector,
Chabda Guga – Now residing at
Mahidpur Road.

... Applicant

(By Shri A. N. Bhatt, Advocate)

-VERSUS-

1. Union of India through
General Manager, Western Railway,
Head Office, Churchgate,
Mumbai.

2. Divisional Railway Manager,
Western Railway,
Kota (Rajasthan).

... Respondents

(By Shri Y. I. Mehta, Sr. Advocate with Shri D.S.Patel, Advocate)

ORDER (ORAL)

Hon'ble Shri Shanker Raju, Member (J) :

Heard the parties.

2. Applicant who could not complete even 15 years of qualifying service, on being declared permanently incapacitated and unfit for Railway service was retired on medical grounds. The claim pertains to pensionary benefit.
3. Shri A. N. Bhatt, the learned counsel for applicant, relies upon rule 420 of the Pension Manual wherein it is provided that at the discretion of the competent

authority, extraordinary leave can be allowed to be counted for pensionary benefits, if it is taken on medical certificate.

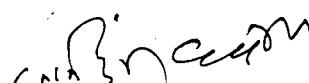
4. In this backdrop, it is stated that as the seven years' period is covered by medical certificates, this should have been counted towards qualifying service and in that event having completed ten years' service, applicant is entitled for pensionary benefits.

5. On the other hand, the learned Senior Advocate Shri Y.I.Mehta appearing with Shri D.S.Patel, on behalf of the respondents, contends that it is the discretion of the competent authority to count the period as qualifying service and the applicant cannot be allowed the weightage of five years' service, having not completed fifteen years.

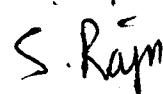
6. In the light of aforesaid, after hearing the parties and keeping in view rule 420 (3) of the Pension Manual *ibid*, the matter is remanded to the respondents to re-examine the grant of the aforestated period treated as extraordinary leave as qualifying service in view of the entire period having been covered by medical certificates issued by Railway doctors, as per the Medical Manual.

7. The aforestated exercise shall be completed by way of a reasoned and speaking order to be passed by the respondents within three months of the receipt of this order.

8. The OA stands disposed of. No costs.


(R. K. Upadhyaya)

Member (A)


(Shanker Raju)
Member (J)

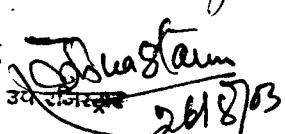
/as/

पृष्ठांकन से ज्यो/ज्या.....जबलपुर, दि.....

प. निवासिनी वार्ड, जबलपुर-1
(1) अधिकारी, रेलवे विभाग, रेलवे उपसेविकाल, जबलपुर
(2) रेलवे विभाग, रेलवे उपसेविकाल, जबलपुर
(3) रेलवे विभाग, रेलवे उपसेविकाल, जबलपुर
(4) रेलवे विभाग, रेलवे उपसेविकाल, जबलपुर

रेलवे विभाग, रेलवे उपसेविकाल, जबलपुर

*Dr. Bhatt, Jaddo - Rathore
Y.I. Mehta, A.C.C. Indore*


T. Bhagatam
26/8/03

*Received
on 28/8/03*