

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No.296 of 2001

Jabalpur, this the 17th day of November, 2003

Hon'ble Shri M.P.Singh - Vice Chairman

S.R.Sharma S/o late Bhagwan Rai, aged 63 years,
Occupation - Rtd.Commercial Supervisor, Central
Railway, Junnardeo, District-Chhindwara (M.P.) - APPLICANT

(By Advocate - Shri Ashok Tiwari)

Versus

1.The Union of India, Ministry of Railway,
Rail Bhawan, New Delhi, through the Secretary.

2.The Divisional Railway Manager, Central
Railway, Nagpur.

- RESPONDENTS

(By Advocate - Shri M.N.Banerji)

O R D E R

The applicant by filing this Original Application is seeking a direction to the respondents to count his service with effect from 1st May, 1958 to 4.12.1968 for the purpose of pensionary benefits including DCRG with interest at the rate of 18% per annum.

2. The brief facts of the case are that the applicant, who was working as Commercial Supervisor in the office of Station Superintendent, Junnardeo, retired on 31.1.1997 on attaining the age of superannuation. According to the applicant he was appointed on 1st May, 1958 on the post of C.G.-1, Traffic Accounts, Parel Bombay. By order dated 11.3.1968 he was transferred to Nagpur as Traffic Signaller. On 4.12.68 the applicant was made permanent as Assistant Station Master with posting at Jambara. He furnished his pension papers claiming his service from 1.5.1958, for the purpose of pensionary benefits but while finalising the pension papers the respondent no.2 has not counted the period from 1.5.1958 to 4.12.1968 for the purpose of pensionary benefits. Hence he has filed this application claiming the aforesaid reliefs.

3. The respondents in their reply have submitted that the claim of the applicant that he was appointed with effect from 1.5.1958, at this stage of time is a time barred claim and OA is liable to be dismissed only on this ground. According to the respondents the applicant has not raised his claim well in time. The respondents have made all the efforts by deputing Personal Inspector to search his so-called previous service record from FA&CAO office, Mumbai. A copy of the reply given by the FA&CAO is annexed at Annexure-A-2 which makes it clear that no old record was available in respect of the applicant regarding the service rendered by him before 4.12.1968.

4. Heard the learned counsel for the parties and perused the records carefully.

5. The learned counsel for the applicant has submitted that the applicant has joined the railway service from 1st May, 1958. In support of his claim he has submitted two documents - one is the seniority list of Assistant Station Masters/ Station Masters issued on 9.8.1991¹/₄ and also a letter from one Shri S.K.Lokhande, O.S. Area Office, Central Railway Ajni dated 8.7.2002 (Annexure-A-4).

6. On the other hand, the learned counsel for the respondents states that the date of appointment in the seniority list is recorded as $\frac{1.5.58}{11.3.68}$ which is a typographical mistake. The certificate issued by Shri S.K.Lokhande is also of no help to the applicant as he has not stated specifically in that certificate that the applicant was appointed from 1958. The learned counsel for the respondents has produced the original records available with them in respect of the applicant, for perusal of the Tribunal.

7. I have carefully considered the submissions made by the learned counsel for both the sides. I noticed from the record that the applicant has produced only the seniority list of 1991 as the only evidence in support of his claim.

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The certificate issued by Shri S.K.Lokhande dated 8.7.2002 is of no help to the applicant as no date of appointment of the applicant has been recorded in the certificate. Apart from this, the applicant has not been able to produce any evidence with regard to his alleged long service from 1.5.1958 to 4.12.1968. I have also perused the original records submitted by the respondents in respect of the applicant, from where it is found that in one of the medical examination report in respect of the applicant in the year 1989, the applicant's date of appointment is recorded as 4.12.1968. In the absence of any evidence that the applicant has been working since 1.5.1958, it may not be appropriate to issue any directions to the respondents to treat the date of appointment of the applicant as 1.5.1958 and grant him all consequential benefits.

8. For the reasons recorded above, the OA is bereft of merits and it is accordingly dismissed, however, without any order as to costs.

rkv

(M.P.Singh)
Vice Chairman.

rkv.

*Issued
19-11*

प्रमाणित की जाये/नहीं.....जलपाई दि.....

प्रमाणित करने वाले का नाम/पद.....

(1) प्रमाणित करने वाले का पता/स्थान.....

(2) प्रमाणित करने वाले का नाम/पद..... *Ashok Tiwari, Hdn.*

(3) प्रमाणित करने वाले का पता/स्थान..... *MN Baringee, Hdn.*

(4) प्रमाणित करने वाले का नाम/पद.....

(5) प्रमाणित करने वाले का पता/स्थान.....

19-11-05