

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.3125/2014

This the 27th day of September, 2016

Hon'ble Shri P.K. Basu, Member (A)

Prem Joseph aged 72 years
S/o Late Shri Joseph
Ex-Fireman 'C' Group D Loco Shed
Tughlakabad, Delhi Division, Northern Railway
Resident of E-51, House No. 12
Mangi Rajapur, Sarai Kalaekhan, Delhi-110013. ..Applicant

(By Advocate: Shri P S Khare)

Versus

1. Union of India through
The Chairman, Railway Board
Ex-Officio Principal Secretary
Ministry of Railways, Rail Bhawan
New Delhi -110001.
2. The General Manager
Northern Railway, Baroda House
New Delhi-110001.
3. The Divisional Railway Manager
Northern Railway, State Entry Road
New Delhi – 110055. ...Respondents

(By Advocate: Shri Kripa Shankar Prasad)

O R D E R (ORAL)

The applicant's claim is that he was appointed as Loco-Cleaner on 23.12.1961; promoted as Fireman Grade 'C' on 08.05.1963 and subsequently transferred to Loco Shed Tughlakabad, New Delhi in December 1963. Thereafter, he was enrolled in Territorial Army on 24.09.1964 as a Fireman Grade 'C'. His claim is that in 1986, he became seriously ill, regarding which medical certificates and prescription slips have been placed at

Annexure A-2, from which it appears that he was suffering from Tuberculosis till 1987. Thereafter, he filed a representation in September, 2011 claiming settlement of his pension and other benefits. This was responded to by the respondents vide their letter No.727-E/2/3838/Loose/P-7 dated 29.02.2012 as follows:-

"In this regard it is intimated that your claim in the above subject pertains to the year 1986. Now after passing of such a long period of 25 years you have submitted the representation regarding your settlement dues/pensionary benefit. In view of the vintage this office is not in a position to lay hands on your service record/personnel file. In absence of service record/other records it is constrained to examine your request. If you have any record regarding your Railway service, you are invited to attend this office on any working day to consider your request though the same is badly time barred. You are also advised that as per instructions contained in P.S. no. 1666, such records which are more than 15 years old are not maintained."

2. Admittedly, the applicant did not respond to this letter. It is the claim of the applicant that since he served the Govt. for at least 25 years between 23.12.1961 till 1986, he is entitled to pension and his retirement benefits should be released.

3. Learned counsel for the respondents states that the difficulty with the respondents is that as per rules, records pertaining to an individual employee is destroyed after a period of 15 years. The applicant was missing since 1986, therefore, the department does not have any record of service of the applicant. However, I find that vide letter dated 27.01.2009 (Annexue A-5), the competent authority has made payment of PF amount of Rs.990/- in favour of the applicant.

4. From the letter dated 27.01.2009, one thing is clear that the applicant was in Government service and he was absenting himself from duty from the year 1986. Therefore, the respondents have to consider the period of 25 years of service with the Govt. but at the same time, it is acknowledged that since the records are destroyed, the applicant will have to co-operate with the respondents to provide whatever documents that are available with him to establish the period of service as well as leave etc. taken by him. Therefore, this OA is disposed of with a direction to the applicant to reply to the respondents' letter dated 29.02.2012 and provide whatever documents are available with him to the respondents for them to take a view in the matter. The applicant should make such a representation along with documentation within a period of 30 days from the date of passing of this order and the respondents shall take a decision on that within a period of 90 days from the date the documents are provided by the applicant.

(P.K. Basu)
Member (A)

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