

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**Original Application No.180/00015/2018**

Date of decision 14.11.2018

**CORAM:**

**Hon'ble Mr. Ashish Kalia, Judicial Member**

C.Lazer,  
Senior Gate Keeper (Retired)  
Nagarcoil Junction,  
Southern Railway,  
Trivandrum Division,  
Trivandrum -14,  
Residing at 29, Ammankoil Street,  
Edayenvilai, P.O. Vertunimadam,  
Nagarcoil 629 003.

..... **Applicant**

**(By Advocate – Mr.P.K. Madhusoodhanan )**

**V e r s u s**

1. Union of India, through the General manager,  
Southern Railway, Park Town, chennai 600 003.
2. The Divisional Railway Manager,  
Divisional Railway Manager's Office,  
Southern Railway, Trivandrum 695014.
3. The Senior Divisional Personnel Officer,  
Divisional Office, Personnel Branch,  
Southern Railway, Trivandrum 695014.
4. The Deputy Chief Engineer (Construction),  
Southern Railway, Trivandrum Division,  
Trivandrum 695014.
5. Senior Divisional Finance Manager,  
O/o The Senior Divisional Finance Manager,  
Divisional Office, Southern Railway, Trivandrum.14

..... **Respondents**

**(By Advocate – Mr.Thomas Mathew Nellimoottil)**

This Original Application having been heard on 14.11.2018, the Tribunal on the same day delivered the following in open court:

**O R D E R (ORAL)**

This present Original Application has been filed by the applicant praying therein a declaration of 50% of the Casual Labour Service put in by the applicant which is followed by his regularization in service are eligible and entitled to be reckoned for the purpose of

pension along with his regular service and for his retiral benefits.

2. Brief facts of the case are that the applicant has joined the Railway Service as casual labour from 4.10.1972 till 28.1.1983. He has worked a total number of 29 years as per Annexure A1. Applicant has made a representations to the respondents for computing the period of earlier service which he had put in with the department since 4.10.1972 to 28.1.1983 but in vain. The department has given pension only on the basis of 29 years qualifying service without taking into consideration of earlier casual labour service.

3. Notices were issued. Respondents put up their appearance and filed detailed reply statement. The department has granted pension on the basis of qualifying service of 29 years. It is contended that the applicant has not produced any original casual labour cards to the respondents in order to implement the order passed by the Hon'ble Apex Court in the case of *Union of India v. Rakesh Kumar & Ors.*

4. Heard the parties at length and perused the records.

5. On perusal of the judgement of the Hon'ble Apex Court in *UOI vs. Rakesh Kumar & ors.* there is no doubt that the 50% of the casual labour service is to be reckoned for the purpose of pensionary benefits. But the respondents' only objection is the non production of the original casual labour card which according to the learned counsel for the applicant has already been submitted to the respondents.

6. The applicant is given two weeks time to produce all the necessary proof of submitting the original casual labour card to the respondents and the respondents shall decide the grant of 50% of the casual labour service in terms of Hon'ble Apex Court judgement in the case of *Rakesh Kumar* (supra) within 90 days from the date of receipt of a proof of submission of labour card and other relevant documents by the applicant.

7. With this observation, O.A. stands disposed of. No order as to costs.

**(ASHISH KALIA)  
JUDICIAL MEMBER**

sj\*

**List of Annexures of the Applicant in O.A. No. 180/00015/2018**

Annexure A-4. True copy of the Letter No.V/P.500/PA/222/2016 dated 30.11.2016 of the 2<sup>nd</sup> respondent.

Annexure A-1 A true copy of the Pension Payment Order dated 17.5.2013.

Annexure A2. True copy of the representation dated 18.8.2016 submitted before the 3<sup>rd</sup> respondent.

Annexure A.3 A true copy of the representation 18.8.2016 submitted before the 3<sup>rd</sup> respondent.

Annexure A.5 True copy of the casual labour service card for the period from 4.10.1972 to 5.12.1974.

Annexure A.6 True copy of the casual labour service card for the period from 6.12.1974 to 5.16.1977.

Annexure A7. True copy of the casual labour service cards for the period from 6.6.1977 to 20.1.1980.

Annexure A8. True copy of the casual labour service cards for the period from 21.1.80 to 5.8.81

Annexure A9 True copy of the casual labour service cards for the period from 6.8.81 to 21.1.1983.

**List of Annexures filed by the respondents in O.A. No. 1890/15/2018**

Annexure R1 : True copies of the relevant pages of the Service Register of the applicant containing the details of the non-qualifying service of 354 days and also the periods of qualifying service.

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