

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.170/00922/2016

DATED THIS THE 21ST DAY OF NOVEMBER, 2017

HON'BLE DR. K.B. SURESH, MEMBER(J)

HON'BLE SHRI P.K. PRADHAN, MEMBER(A)

Smt Channamma,  
W/o late Thimma Thimmaiah,  
Aged Major,  
Residing at House No.307/A,  
Yelechakanahalli,  
Kalenahalli Post, Kottathi Hobli,  
Mandya Taluk & District-571 402. ...Applicant

(By Advocate Shri B.S. Venkatesh Kumar)

V/s

1.The Union of India,  
Represented by the General Manager,  
South Western Railway,  
Headquarters Office,  
Gadag Road, Hubli-560 020,

2.The Deputy Divisional Personnel Officer,  
South Western Railway,  
Mysore Division, Mysore.

3.The Divisional Railway Manager,  
South Western Railway,  
Mysore Division, Mysore. ...Respondents

(By Shri J. Bhaskar Reddy, Railway Standing Counsel)

O R D E R (ORAL)HON'BLE DR. K.B. SURESH, MEMBER(J)

Heard. The applicant today produces some documents which he claims as original, which he could not produce. However, we decided to accept it. On 22.6.1976 he seems to have written the following letter:

"I the undersigned beg to state that I have been appointed as Gangman in Mysore (B) Section about 10 years back. Again they for Medical Examination, at the time of my appointment, again after Five years of service, I was directed for Medical Examination for the second time. I was declared fit in Medical category B I in both the occasions.

Though the Railway Rules are very clear that an employee should be sent for Medical Examination at the age of 45 years, I have been sent for Medical Examination again for IIIrd Time during April 1976.

In this connection I wish to state that I have not reached 45 years of age.

The Medical Authorities have declared me unfit for further service vide certificate No.Y/MD. 84/III of 24.5.76.

In this connection I beg to state I am not sick and never I was sick at any time during my service.

I am healthy and quite alright in all respect.

In the circumstances, I am unable to understand the reason for declaring me as unfit.

I beg to request that I may be permitted for remedical examination or give me a watchman job anywhere and oblige.

I hope my humble request will be fulfilled."

2. He would say in that letter that he commenced his employment 10 years back. Therefore, if he commenced his employment in 1966 which had been regularised on 05.09.1973, that will be approximately 7 years service. Therefore, according to the learned counsel for the applicant, at least half of service should be rounded off for pension. If that be so, he will get 3 ½ years service at the time of retirement.

3. Learned counsel for the applicant would say that after this he had been in service till 1976 when he was medically invalid. Therefore, he has a total service of roughly less than 7 years. Learned counsel for the

applicant would say according to the respondents it is 7years and 11 months. But still it falls short of requirement for pension. In the original bundle produced by the learned counsel for the applicant, there is a letter No. RPA/MYS-C/93-94 dated 17.3.95 apparently promoted by the Secretary, Railway Pensioners' Association, wherein in 2<sup>nd</sup> para of Mercy application submitted before his Excellency The President of India. It is mentioned that the applicant had worked for a period of 6 years. Therefore, this seems to be correct.

4. Learned counsel for the applicant would say that according to Annexure A-1, he was the senior most casual labourer. That may be so. But will not automatically increase the period of service he had undergone. Therefore, there does not seem to be any merit in the application, as the applicant had put in less than the required number of years. In fact it is also seen in letter No.Y/P.500/VII/PA/94 dated 15.2.95 issued and found in the original file produced by the learned counsel for the applicant. It is clearly stated that his case for grant of pension cannot be considered. Applicant do not have the required years of service.

5. From 1995 till 2016, it is a very long way which we cannot condone. Therefore, there is no merit in the OA. It is dismissed. No costs.

(P.K. PRADHAN)  
MEMBER(A)

(DR. K.B. SURESH)  
MEMBER(J)

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Annexures referred to by the applicant in OA. No.922/2016

Annexure-A1: Copy of the order dated 11.7.1968.

Annexure-A2: Copy of Affidavit dated 12.8.1991.

Annexure-A3: Copy of letter dated 5.9.1973 with its typed copy.

Annexure-A4: Copy of letter of termination dated 16/17.6.1976.

Annexure-A5: Copy of letter dated 22.7.1976.

Annexure-A6: Copy of letter dated 3.8.1976.

Annexure-A7: Copy of letter dated 6.12.1976.

Annexure-A8: Copy of letter dated 28.7/4.8.1977.

Annexure-A9: Copy of death certificate of Thimma Thimmaiah with its English translation.

Annexure-A10: Copy of Memorandum dated 8.11.1993.

Annexure-A11: copy of Pass Book

Annexure-A12: Copy of letter dated 2.12.1993.

Annexure-A13: Copy of letter dated 26.5.1994.

Annexure-A14: Copy of letter dated 24.6.1994.

Annexure-A15: Copy of letter dated 24.8.1994.

Annexure-A16: Copy of letter dated 15.10.1994.

Annexure-A17: Copy of letter dated 20.10.1995.

Annexure-A18: Copy of letter dated 22.1.1995.

Annexure-A19: Copy of letter dated 15.2.1995.

Annexure-A20: Copy of letter dated 12.12.1996.

Annexure-A21: Copy of letter dated 7.9.2001.

Annexure-A22: Copy of letter dated 27.3.2012.

Annexure-A23: Copy of letter dated 19.12.2001.

Annexure-A24: Copy of letter dated 24.6.2013.

Annexure-A25: Copy of letter dated 1.7.2013.

Annexure-A26: Copy of letter dated 12.5.2014.

Annexure-A27: Copy of letter dated 14.7.2014.

Annexure-A28: Copy of impugned letter dated 3.11.2014.

Annexure-A29: Copy of letter dated 10.11.2014.

Annexure-A30: Copy of letter dated 16.1.2015.

Annexure-A31: Copy of letter dated 16.3.2015.

Annexure-A32: Copy of impugned letter dated 18.5.2015.

Annexure-A33: Copy of representation dated 4.1.2016.

Annexure-A34: Copy of letter dated 15.3.2016.

Annexures referred to by the respondents.

Annexure-R1: Copy of Rule-31, Chapter-III of Railway Service (Pension) Rule-1993.

Annexure-R2: Copy of Para 623 of MOPR 1950.

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