

1

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

LIBRARY

No. O.A. 1215 of 2014

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member

Shri Bhola Yadav,
Son of Late Baiju,
Aged about 70 years,
Retired as Technician Gr. I
From Railway Locomotive Workshop at
Jamalpur, Eastern Railway,
Residing at Vill. – Baihratola, P.O. Lohchi,
District – Munger, P.S. Jamalpur,
Pin – 811 214, Bihar,
Presently residing at C/o. Sri Prakash Yadav,
Near Barrackpore Court Row Terminus,
District – North 24 Parganas, Pin – 700120.

.. Applicant

- VERSUS -

1. Union of India,
Service through the
General Manager,
Eastern Railway,
Fairlie Place,
Kolkata – 700 001.
2. The General Manager,
East Central Railway, Hajipur,
Bihar, Pin – 844 101.
3. The Senior Divisional Personnel Officer,
East Central Railway,
Moghalsarai,
Pin – 231101.
4. Sr. DEE (Traction),
East Central Railway,
Mughalsarai,
Pin – 231101.
5. Chief Works Manager,
Locomotive Workshop,
Eastern Railway,
Jamalpur,
Pin – 811214.

6. The Sr. Divisional Personnel Officer,
 Eastern Railway,
 Jamalpur,
 Pin - 811 214.

.. Respondents

For the Applicant : Mr. J.R. Das, Counsel

For the Respondents : Mr. P. Prosad, Counsel
 Mr. B.L. Gangopadhyay, Counsel

Order dated: 27.7.16.

ORDER

Per Ms. Bidisha Banerjee, Judicial Member:

In this O.A. the applicant has sought for the following reliefs:

- (i) An order/direction directing the respondents to count the past service of the applicant under Mughalsarai Division, under Eastern Railway, presently under East Central Railway for the period from 8.8.1963 to 10.1.1971 for all purpose including future increments, qualifying service, pension and pensionary benefits with due interest thereon.
- (ii) An order/direction directing the respondents to fix his basic pay following counting of annual increments month by month and year-wise after Rs. 77/- as on 10.1.1971 under Mughalsarai Division which is to be counted and continued from 11.1.1971 onwards under Jamalpur Division since already rendered 7 years 5 months and 3 days continuous service (8.8.63 to 10.1.71) under Mughalsarai Division requires to be counted/added to regular service under Jamalpur Division thereafter.
- (iii) An order/direction directing the respondents to recount/recalculate his pay and allowances considering his basic pay Rs. 77/- as on 10/11.1.1971 and not at a low and pay the difference of pay and allowances upto 28.2.2005 and thereafter refix/recalculate his pension and pensionary benefits based on enhanced pay and allowances as would be reached on 28.2.2005 and allow enhanced pension/pensionary benefits as on 1.3.2005 and

thereafter and cause payment of such difference of pension and pensionary benefits alongwith due interest thereon as decided by this Hon'ble Tribunal.

(iv) An order directing the respondents to place all the relevant records before the Hon'ble Bench for concessionable justice.

(v) Any other order/orders, further order/orders as to the Hon'ble Bench seems fit and proper."

2. The Ld. Counsel were heard and materials on record were perused.

3. The respondents in their reply have categorically submitted that the applicant was recruited after a screening test, as a fresh face against a Class-IV post on 11.1.1971 and reached upto the level of Technician Gr. I when he retired from service on 28.2.2005. Ten years after his retirement he has claimed benefit of his past service which he rendered from 8.8.63 to 10.1.1971 at Mughalsarai Division presently under East Central Railway for all purpose including increment, qualifying service for pension etc. which if disclosed at the time of his latter Railway service would have rendered him liable to be removed from service for suppression of the fact of working under other Railways. The respondents have also objected to the claim on the ground of jurisdiction.

4. The records of the matter were perused.

5. It transpires from the various representations annexed to the O.A. that before being selected for his appointment at Jamalpur the applicant performed some duties at Mughalsarai under Sr. DEE in Traction Department but due to his colour blindness he was posted as a Store Chowkidar and that he served as a Bungalow Peon on and from 8.8.63 and thereafter from 2.3.1965 as Substitute Guard under TFSO Traction Foreman TRD, Mughalsarai. Therefore, earlier period of service, if any, was as a Substitute and not as regular employee enuring for pensionary

benefits. That apart the period of service rendered in the Personnel Department from 1971 to 2005 being itself pensionable and ensuring full pension, the claim put forth in the present O.A. that counting of past service would ensure full pensionary benefits is misdirected.

6. The O.A. being thus frivolous is dismissed. There shall be no order as to costs.

(Bidisha Banerjee)
MEMBER(J)

SP