

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH**

Original Application No.180/00029/2018

Thursday, this the 31st day of January, 2019

C O R A M :

HON'BLE Mr.ASHISH KALIA, JUDICIAL MEMBER

Sri.R.Lawrence,
Senior Gate Keeper (Retired),
Nagar Coil Junction, Southern Railway,
Trivandrum Division, Trivandrum – 14.
Now residing at Pottavilai Veedu,
Devicode, Cheruvalloor (P.O.),
(Via) Edakode – 629 152.

...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 Senior Divisional Personnel Officer,
Divisional Office, Personnel Branch,
Southern Railway, Trivandrum – 695 014.
3. The Deputy Chief Engineer (Construction),
Southern Railway, Trivandrum Division,
Trivandrum – 695 014.
4. Senior Divisional Finance Manager,
O/o.the Senior Divisional Finance Manager,
Divisional Office, Southern Railway,
Trivandrum – 14. ...Respondents

(By Advocate – Mr.K.G.Mathews)

This application having been heard on 31st January 2019, the Tribunal
on the same delivered the following :

ORDER

The relief prayed for in this O.A is to reckon 50% of the Casual Labour Service put in by the applicant in the Trivandrum Division of the Southern Railway for the purpose of pension benefits as submitted in Annexure A-4 representation.

2. Notices were issued and respondents had rendered appearance . Detail reply has also been filed wherein it has been categorically stated that the applicant's total qualifying service was 21 years, 8 months and pension was granted accordingly. In **Union of India v. Rakesh Kumar & Ors. C.A.No.3938/2017** arising out of SLP (C) No.23723/2015 the Hon'ble Supreme Court has held that 50% of the casual labour service rendered before granting temporary status and 50% of the temporary status service till regularization are to be counted for the purpose of calculating pension. The applicant was granted 50% of temporary status service till regularization. With regard to grant of benefit of casual labour service prior to the temporary status it is submitted that the applicant has not submitted his Casual Labour Service Cards in support of his claim. Hence the request for grant of his service benefits to the casual labour service period deserves no cognizance.

3. Learned counsel for the applicant submitted that he has annexed all these informations along with rejoinder, copy of which is available at Annexure A-5(5) which shows period of casual labour service from 10.6.1978 to 5.1.1982 and from 24.5.1989 to 30.12.1989.

.3.

4. In the light of the above, keeping in view the period of casual labour service shown at Annexure A-5, the respondents, after due verification of the documents if it is found true, shall refix the pensionary benefits of the applicant in accordance with law taking into account 50% of his casual labour service prior to grant of temporary status along with his temporary status service and regular service. The consequential benefits arising therefrom shall be paid to the applicant within a period of 60 days from the date of receipt of a copy of this order. The O.A is disposed of accordingly.

No costs.

(Dated this the 31st day of January 2019)

**ASHISH KALIA
JUDICIAL MEMBER**

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List of Annexures in O.A.No.180/00029/2018

1. **Annexure A-1** – True copy of the Office Order No.38/90/WP dated 18.4.1990.
2. **Annexure A-2** – True copy of the Pension Payment Order issued to the applicant dated 20.6.2014.
3. **Annexure A-3** – True copy of the format dated 3.6.2015 submitted before the 2nd respondent.
4. **Annexure A-4** – True copy of the representation dated 3.6.2015 submitted before the 2nd respondent.
5. **Annexure A-5** – True copies of the Casual Labour Service Cards for applicant's period of Casual Labour Service from 10.6.1978 to 5.1.1982 and from 24.5.1989 to 30.12.1989.
6. **Annexure R-1** – True copy of the Revised PPO of Shri.R.Lawrence bearing No.0604210632 dated 6th September 2018.
