

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/513/2013

Jabalpur, this Thursday, the 11th day of April, 2019

HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER

Suresh Chandra Gupta,
S/o Shri Shyamlal Gupta
Date of Birth 12.1.1950
R/o C/o Shri Kamlesh Paliwal
Gayadatt Ward,
Stationganj,
Narsinghpur (M.P.) 487001

-Applicant

(By Advocate –Shri S.K. Nandy)

V e r s u s

1. Union of India, Ministry of Railway
Through General Manager
West Central Railway,
Headquarter Indira Market
Jabalpur (M.P.) 482001

2. Divisional Railway Manager,
West Central Railway
Jabalpur Division,
Jabalpur (M.P.) 482001

3. Divisional Railway Manager,
North Central Railway,
Jhansi Division, Jhansi (UP) 284001

4. Chief Medical Superintendent
West Central Railway Jabalpur (MP) 482001

-Respondents

(By Advocate –Shri S. Ganguly)

O R D E R (Oral)

This Original Application has been filed by the applicant against the inaction of the respondents in not counting the period of his services rendered in the Railways as Substitute Pharmacist in broken spells as qualifying service for the purposes of pensionary benefits.

2. The applicant has prayed for the following reliefs:-

“8(i) Summon the entire record from the possession of the respondents for its kind perusal.

(ii) Upon holding that the action of the respondents authorities in not counting the period of services rendered by the applicant as Substitute Pharmacist for the purposes of qualifying service is bad in law, command them to enter the period of services rendered by the applicant as Substitute Pharmacist in broken spells in his service sheets and issue a fresh PPO by taking into count the said period of service as qualifying service and then calculate the retiral and pensionary benefits accordingly including privilege passes;

(iii) Any other order/orders, which this Hon'ble Court deems fit and proper may also be passed;

(iv) Award cost of the litigation in favour of the applicant.”

3. Precisely the case of the applicant is that the applicant was initially appointed in the respondent-department and was engaged in the Divisional Railway Hospital, Jabalpur which was under territorial jurisdiction of Central Railway at a particular time as a Substitute Pharmacist on 13.04.1979. At the time of engagement as Substitute Pharmacist, the age of the applicant was more than 29 years as his date of birth is 12.01.1950. The applicant has worked for long period from 13.04.1979 till 27.03.1985 as a Substitute Pharmacist in broken spells. A casual labour card showing the details of record of service of applicant as Substitute Pharmacist and the certificate issued by the competent authority is annexed as Annexure A/1. The certificate regarding work of the applicant as Substitute Pharmacist at Central Railway Hospital Jabalpur from 13.04.1979 to 27.03.1985 as broken spells has also been certified by the competent authority which is annexed as Annexure A/2 at Page 17 of the paper book. It is further submitted by the applicant that the applicant was

appointed as a regular pharmacist w.e.f. 28.03.1985 in the grade of Rs.330-560/-. It has been specifically submitted by the applicant that while workings as Substitute Pharmacist, the applicant's case was duly forwarded and age relaxation was given to the applicant by the Railway Recruitment Board, Bhopal by giving appointment on the post of regular Pharmacist.

4. The learned counsel for the applicant has relied upon the relevant provision under Chapter 23 of the Indian Railway Establishment Manual (IREM). The relevant provision is under the heading Benefits wherein Para 4.5 and 4.6 is reproduced as under:-

“4.5 Service of substitutes will count for pensionary benefits from the date of completion of four weeks (3 months in the case of teachers) continuous service provided it is followed by absorption in regular Group ‘C’ (Class III/Group ‘D’ (Class IV) service without break.

4.6 Age limit for recruitment to Group ‘D’ (Class IV) service may be relaxed to the extent to their total service rendered as substitute which may be either continuous or in broken periods.”

5. Learned counsel for the applicant submits that his case is covered under the aforementioned provision of IREM.

6. Learned counsel for the respondents submits that the applicant was recruited through RRB and he has been given the benefits from the date of joining services as per rules.

7. At this stage learned counsel for the applicant submits that the applicant will be satisfied if the respondent-authority is directed to consider the case of the applicant in view of the Chapter 23 of the provision 4.5 and 4.6 of the IREM.

8. Learned counsel for the respondents submits that as on today there is no rejection of the case of the applicant available on record and he has no objection to it.

9. Resultantly in the interest of justice, and without going into the merits of the case, specially, when the respondent-department has not decided the case of the applicant as yet. Respondents are directed to consider the

case of the applicant in view of the provisions 4.5 and 4.6 contained in Chapter 23 of the IREM within a period of 90 days from the date of receipt of a copy of this order.

10. Needless to say that the case of the applicant shall be decided with a reasoned and speaking order.

11. With these observations, this O.A. is disposed of. No costs.

**(Ramesh Singh Thakur)
Judicial Member**

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