

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/01214/2018

Dated Wednesday the 12th day of September Two Thousand Eighteen

PRESENT

**HON'BLE MRS. JASMINE AHMED, Member (J)
&
HON'BLE MR. R. RAMANUJAM, Member (A)**

M.Anandharaj,
Retd. Passenger Guard,
No. 32/15B, Gandhi Road,
Srinivasa Nagar,
Tiruvanaikoil Post,
Trichy 620005.Applicant

By Advocate Mr. M. Chandran for M/s. Ratio Legis

Vs

- 1.The Union of India rep by,
The General Manager,
Southern Railway,
Park Town, Chennai 600003.
- 2.The Divisional Personnel Officer,
Tiruchirapalli Division,
Southern Railway, Trichy 620001.Respondents

ORAL ORDER**(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))**

Heard. The applicant has filed this OA seeking the following relief :

"To call for all the records related to impugned order No. T/P353/Courtcase/OA No. 1053/1017 dated 13.09.2017 made by the 2nd respondent and to quash the same and further to direct the respondents to reckon the entire substitute service from 08.01.1958 till 23.01.1962 as qualifying service for determining the Retirement Gratuity, Pension with other attendant terminal benefits with admissible interest within the time frame fixed by this Hon'ble Tribunal and to pass such other order/orders as this Hon'ble Tribunal may deem fit and proper and thus to render justice. "

2. It is submitted that the applicant was appointed as a substitute Porter in 1958 and his services as Casual Labourer ought to have been regularised w.e.f that date for the purpose of pension whereas in the impugned order, the respondents had stated that the applicant's claim was hopelessly time barred as the applicant never raised such a claim during the whole period of his service nor even after retirement. It is submitted that the inclusion of services as casual labourer for the purpose of pension was allowed only after 2015 after the Hon'ble Apex Court passed an order to this effect and, therefore, the claim of the applicant arose only thereafter. Accordingly, the applicant was not at fault for a belated claim, it is contended.

3. On perusal of the impugned order, it is seen that on verification of the applicant's service register, the respondents found that he had been initially appointed as a relieving substitute porter w.e.f 24.01.1962 and regularly absorbed as Box Boy w.e.f 19.07.1996. The details of qualifying service taken into account for pension has been indicated in the impugned order as 32 years, 5

months and 6 days with a remark that effectively it was 32 1/2 years. As such, we are satisfied that the applicant's request for counting his service as relieving substitute has been fairly counted in terms of the entries in the service register. If the applicant had any evidence that he was appointed in 1958, it is for him to produce such evidence before the competent authority in the absence of which the respondents could not be faulted for computing his qualifying as per the entries in his service register.

4. In view of the above, the OA is devoid of merits and is liable to be dismissed accordingly. However, if the applicant has any authentic evidence to the effect that he was appointed in 1958 and submits a representation to the respondents based on such evidence, it is for the respondents to consider it in accordance with law and pass appropriate orders.

5. OA is dismissed with the above observations. No costs.

(R.Ramanujam)
Member(A)

(Jasmine Ahmed)
Member(J)

12.09.2018

SKSI