

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A. No.186 of 2016

This the 11th day of February 2019

Hon'ble Ms. Nita Chowdhury, Member (A)

Hon'ble Mr. S.N. Terdal, Member (J)

1. Shri Hari Shankar Sharma (Aged about 59 years)
S/o Late Sh. Dal Chand
Working as Technician Grae-I/TL
Under Sr. Section Engineer, Coaching
Northern Railway, Sarai Rohila Railway Station,
R/o H.No.C-20, Gali No.3/2 Near Durga Mandir
Ankur Enclave, Phase-I,
Karawal Nagar, Delhi-94.

....Applicant

(By Advocate : Shri A.K. Bhakt)

VERSUS

Union of India & others, Through

1. The General Manager,
Northern Railway,
Baroda House, New Delhi.
2. The Divisional Railway Manager,
Northern Railway,
DRM Office, New Delhi.
3. Sr. Divisional Personnel Officer,
Northern Railway,
DRM Office, New Delhi.

.....Respondents

(None present)

O R D E R (Oral)

Ms. Nita Chowdhury, Member (A):

Nobody is present for the respondents. Hence, we proceed with the matter under Rule 16 of the CAT (Procedure)

Rules, 1987. Accordingly, heard learned counsel for the applicant.

2. By filing the instant OA, the applicant is seeking the following reliefs:-

- “(I) To direct the respondents to consider the representation dated 03.04.2015 praying to reckon entire service period i.e. 50% of casual service period and 100% of Temporary status service period for all the service benefits extending the benefits of judgments dated 26.4.2014 in OA No.2639/2013 titled ‘Ram Saran Vs. Union of India & Ors.’, dated 29.05.2014 in OA No.1921/2014 titled Prem Pal Singh Vs U.O.I.; dated 09.03.2015 in OA No.910/2015 titled Prem Pal Singh Tomar & Ors. vs. U.O.I. & Ors., passed by this Hon’ble Tribunal.
- (II) To produce the entire relevant records pertaining to this case before the Hon’ble court for proper adjudication.
- (III) To award exemplary cost on the representations for causing undue harassment.
- (IV) To pass any further relief or reliefs as this Hon’ble Tribunal may deem fit and proper in the facts and circumstances of the case.”

3. The issue involved in this case has already set at rest by the Hon’ble Supreme Court in the case of ***Union of India and others vs. Rakesh Kumar & others*** (Civil Appeal No.3938/2017) and other connected cases vide Judgment dated 24.3.2017 in which the following observations have been made by the Apex Court:-

“55. In view of foregoing discussion, we hold :

- i) the casual worker after obtaining temporary status is entitled to reckon 50% of his services till he is regularised on a regular/temporary post for the purposes of calculation of pension.

ii) the casual worker before obtaining the temporary status is also entitled to reckon 50% of casual service for purposes of pension.iii) Those casual workers who are appointed to any post either substantively or in officiating or in temporary capacity are entitled to reckon the entire period from date of taking charge to such post as per Rule 20 of Rules, 1993.

iv) It is open to Pension Sanctioning Authority to recommend for relaxation in deserving case to the Railway Board for dispensing with or relaxing requirement of any rule with regard to those casual workers who have been subsequently absorbed against the post and do not fulfill the requirement of existing rule for grant of pension, in deserving cases. On a request made in writing, the Pension Sanctioning Authority shall consider as to whether any particular case deserves to be considered for recommendation for relaxation under Rule 107 of Rules, 1993.56.In result, all the appeals are allowed. The impugned judgments of Delhi High Court are set aside. The writ petitions filed by the appellants are allowed, the judgments of Central Administrative Tribunal are set aside and the Original Applications filed by the respondents are disposed of in terms of what we have held in para 55 as above.”

4. In view of the above position, this Court directs the respondents to consider the case of the applicant in the light of the aforesaid observations of the Apex Court in the case of **Rakesh Kumar** (supra) and pass a reasoned and speaking order within a period of 45 days from the date of receipt of certified copy of this Order.

5. The present OA is allowed in above terms. There shall be no order as to costs.

(S.N. Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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