

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Friday 10th day of March Two Thousand And Seventeen

PRESENT:

THE HON'BLE MR. JUSTICE A. ARUMUGHASWAMY, MEMBER (J)
THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

O.A./310/00369/2017

Avala Chinnaiah,
S/o. Peeriah,
Aged 60 years,
Residing at BC Colony,
Kotapolar (Via)., Sulurpet Mandal- 524 123
Retd. As Senior Trackman-I O/o. SSE/PWay/TVT.

....Applicant

(By Advocate : Mr. P. Rajendran)

VS.

The Union of India represented by the
Senior Divisional Personnel Officer,
Southern Railway, Madras Division,
Chennai- 600 003.

...Respondent

(By Advocate: Mr. P.Srinivasan)

ORAL ORDER

(Pronounced by Hon'ble Mr. Justice A. Arumughaswamy, Member (J))

The case of the applicant is that he retired from service on 28.02.2013 as Senior Trackman-I, O/o. SSE/PWAY/TVT Southern Railway, Madras Division. He was initially appointed as Casual Labourer and was granted Temporary Status on 16.12.1984 and brought into regular establishment on 12.01.1993. It is stated that while computing the qualifying service for pension, 50% of the service rendered as temporary status employee was counted along with 100% of the service rendered under the regular establishment and the applicant is receiving on that basis. The Hon'ble High Court of Andhra Pradesh in W.P. No. 10837/2001 held that once a casual labour is granted the temporary status and later regularly absorbed in service, he is entitled to count full service for period of temporary status till regularization and half of the service before the period of temporary service for the purpose of pension. Subsequently, the Hon'ble Supreme Court upheld the principles laid down in the above case. In pursuance of the same, the applicant submitted a representation to the Senior Divisional Personnel Officer, Southern Railway, Chennai on 21.07.2016 and on 30.12.2016. Since there was no response, he approached the Tribunal seeking the following reliefs:-

"to direct the respondent to extend the benefit of the order passed in O.A. No. 3745/2012 dated 6.2.2014 passed by the Principal Bench of this Tribunal to the applicant and count 50% of the service rendered before granting temporary status (that is, from the date of

appointment as Casual Labourers to the date of conferment of temporary status, that is, 16.12.1984) along with 100% of the service rendered in the capacity of temporary status (that is, from 16.12.1984 to 12.01.1993) along with the full regular service, that is, from 12.01.1993 to 28.02.2013 as qualifying service for the purpose of pension and refix his pension and grant him all consequential benefits and render justice."

2. Learned counsel for the applicant submits that his client would be satisfied if a direction is given to the respondents to consider and dispose of the representations of the applicant within a stipulated period.
3. Mr. P. Srinivasan, Learned Standing Counsel who takes notice on behalf of the respondents has no objection to the above prayer.
4. In view of the above, the O.A. is disposed of with a direction to the respondents to dispose of the pending representations of the applicant dated 21.07.2016 followed by 30.12.2016 through a reasoned and speaking order within a period of six weeks from the date of receipt of copy of this order.
5. The O.A. is disposed of accordingly. There shall be no order as to