

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

O.A. No.021/0093/2019

Date of Order : 24.04.2019.

Between:

P.Yadagiri, s/o P.Yellaiah, Aged about 63 yrs,
Occ:Senior Gangman (Retd.) (Gr.C) in the
O/o Senior Divisifonal Engineer (Co-ordination),
South Central Railway, Secunderabad Division,
r/o 13-C2-109, NFC Nagar, Ghatkesar,
Medchal District, TS.

...Applicant

And

The Union of India, rep., by :

1. The General Manager, South Central Railways,
Rail Nilayam, Secunderabad.

2. The Senior Divisional Personnel Officer,,
South Central Railway, Secunderabad Division,
Secunderabad.

3. The FA & CAO, South Central Railway,
Rail Nilayam, Secunderabad.

... Respondents

Counsel for the Applicant ... Mr.K.Siva Reddy

Counsel for the Respondents ... Mr.V.V.N.Narasimham, SC for Rlys.
Rep., by Mr.Bheem Singh

CORAM:

THE HON'BLE MR.V.AJAY KUMAR, MEMBER (JUDL.)

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ORAL ORDER

(As per Hon'ble Mr.V.Ajay Kumar, Member (Judl.))

The applicant, a retired Senior Gangman from the respondent-Railways, filed the OA seeking the following reliefs:

“(i) To declare that the action of the respondents in non-implementation of the decision of Apex Court in *Union of India & Others v. Rakesh Kumar* in Civil Appeal No.3938/2017, dated 24.03.2017 and non-taking of 50% of Casual service and correct date of regularization for counting qualifying service for terminal benefits is arbitrary and contrary to the Articles 14 and 21 of the Constitution of India and violative of principles of natural justice and set aside the same;

ii) Consequently, direct the respondents to settle the terminal benefits to the applicant after taking 50% of Casual labour service before granting temporary status with all consequential benefits such as MACP, Gratuity etc., with interest and to pass such orders as this Tribunal deems fit and proper in the circumstances of the case.”

2. The short grievance of the applicant is that the respondents are not counting the 50% casual service rendered by the applicant before his services were regularized, for payment of pension and other benefits in terms of the judgment of the Hon'ble Apex Court in *Union of India & Others v. Rakesh Kumar & Others* (2017 (4) SCALE 16) in Civil Appeal No.3938/2017 dated 24.03.2017, and the judgment of this Tribunal in OA.No.887/2018, dated 05.02.2019 in *Narsi Reddy v. Union of India & Others*.

3. Mr.Bheem Singh, proxy counsel, representing the learned counsel for the Respondents, submits that no representation is ever made by the applicant ventilating his grievances, which were made in the instant OA.

4. In the circumstances, the OA is disposed of, without going into the merits of the case, by permitting the applicant to make an appropriate representation to the respondents ventilating his grievances within two weeks from the date of receipt of a copy of this order and on receipt of such a representation from the applicant, the respondents shall consider the same keeping in view the judgment of the Hon'ble Apex Court in *Union of India & Others v. Rakesh Kumar & Others* (2017 (4) SCALE 16) in Civil Appeal No.3938/2017 dated 24.03.2017 and also the order of this Tribunal passed in OA.No.887/2018, dted 05.02.2019 in *Narsi Reddy v. Union of India & Others*, and pass appropriate speaking and reasoned order within 90 days therefrom. If the respondents found that the applicant is entitled for the benefit of the said judgments, they shall release the consequential benefits within a reasonable period therefrom. There shall be no order as to costs.

**(V.AJAY KUMAR)
MEMBER (JUDL.)**

Dated: this the 24th day of April, 2019
Dictated in the Open Court

DSN.