

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 15044 of 2018

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Ram Prasad Thakur Son of Late Ram Charitra Thakur, Ex-Khalasi Electrical
under the Senior Section Engineer Electric Resident of Village and P.O.-
Lagunia Surya Kanth, District- Samastipur Bihar.

... .. Petitioner/s

Versus

1. The Union Of India
2. The Chief Personnel Officer, Personnel, East Central Railway, East Central
Railway, Hajipur, P.O.-
3. The Divisional Railway Manager, East Central Railway, Samastipur, P.O.-
Samastipur, P.S.- SamastipuR
4. The Senior Divisional Electrical Engineer, East Central Railway,
Samastipur, P.O.- Samastipur, P.S.
5. The Senior Divisional Personnel Officer, East Central Railway, Samastipur,
P.O.- Samastipur, P.S.-
6. The Senior Divisional Financial Manager, East Central Railway, Samastipur,
P.O.- Samastipur, P.S.-

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Munna Pd Dixit (M.P. Dixit) Adv
For the Railways : Mr. Kalyan Shankar, Adv

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 21-08-2020

Heard learned counsel for the petitioner and learned



counsel for the respondents.

Petitioner has prayed for following reliefs:-

“i. For issuance of writ in the nature of certiorari for quashing/setting aside the order dated 24.11.2017 passed by the Learned Central Administrative Tribunal, Patna Bench, Patna herein after CAT in Original Application No. 050/00295 of 2014 as contained in Annexure-1 whereby and whereunder the prayer of petitioner for grant of pensionary benefits including pension, Death-cum Retirement Gratuity, commutated value of pension on account of being Medically unfit for Railway Service, has been rejected/dismissed without application of judicious mind and also without considering the Rules as enclosed with Original Application and Rejoinder including notes of arguments.

ii. For issuance of an appropriate writ(s)/order(s) /direction(s) in the nature of Mandamus commanding the respondents to accord/grant/release the entire pensionary benefits including pension Death Cum Retirement Gratuity, Commutated value of pension in view of Rule 18 of the Railway Servies (pension) Rules, 1993 as well as in view of the facts that he was declared successful in the Screening Test held on 01.02.2007 and result was published on 08.05.2007 before declaring him Medically Unfit for Railway Service on 11.10.2007.

iii. For issuance of an appropriate writ(s)/order(s)/ direction(s) in the nature of Mandamus commanding the respondents to pay the arrears of pension and statutory interest on the entire retiral dues.

Petitioner had approached the Central Administrative Tribunal, Patna Bench for grant of pensionary benefits from the date he was declared medically unfit for railway service.



Petitioner was appointed initially as substitute and was granted temporary status and worked continuously and was thereafter disengaged, however, he was subsequently re-engaged. He was called for screening test for regular absorption on 01.01.2007 in which he was successful vide result dated 08.05.2007 and was sent for medical test on 11.10.2007 where he was declared medically unfit for any post in the railways.

According to respondents, applicant was given temporary status on 04.04.1986 and was disengaged from service from 22.08.2005, however, he was sent for Screening Test and result of which was published on 08.05.2007 and was thereafter sent for medical test on 11.10.2007 in which he was declared unfit for all categories.

The tribunal has dismissed the application filed by petitioner on the basis of several judgments of Apex Court as well as this High Court in which the issue raised has been settled that unless and until a casual employee having temporary status is absorbed or regularized in regular establishment he is not entitled for grant of pension or pensionary benefits and accordingly dismissed his petition.

After hearing the parties and considering the materials available on record, this Court does not find any infirmity or



error in the order passed by the Central Administrative Patna Bench requiring any interference by this Court in its writ jurisdiction and accordingly, the writ petition is dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.09.2020
Transmission Date	NA

