

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20469 of 2019

1. The Union of India through the General Manager, East Central Railway, Hajipur, District- Vaishali (Bihar).
2. The General Manager (Personnel), East Central Railway, Hajipur, District- Vaishali (Bihar).
3. The Chief Administrative Officer (Con.), East Central Railway, Mahendrughat, Patna, Bihar.
4. The Financial Advisor and Chief Accounts Officer (Con). East Central Railway, Mahendrughat, Patna, Bihar.
5. The Dy. Chief Personnel Officer (Con.). East Central Railway, Mahendrughat, Patna, Bihar.
6. The Deputy Chief Engineer (Con.). East Central Railway, Danapur.
7. The Deputy Chief Engineer(Con). East Central Railway, Rajgir, District- Nalanda, Bihar.
8. The Senior Divisional Financial Manager, East Central Railway, Danapur.

... .. Petitioner/s

Versus

1. Mohan Prasad Son of late Sita Ram , Ex Jeep Driver Under Deputy Chief Engineer(Con.). East Central Railway, Rajgir, District- Nalanda, Bihar.
2. Yogendra Son of late Mohan, Ex Khalasi Under Section Engineer(Con.). East Central Railway, Mahendrughat, Patna, Bihar.
3. Ram Babu Son of late Ram Chandra Rai, Ex Jeep Khalasi, Under Section Engineer(Con.). East Central Railway, Dighaghat, District- Patna, Bihar.
4. Suresh Mahto, Son of late Sukhn Deo Mahto, Ex Jeep Driver Under Deputy Chief Engineer (Con.). East Central Railway, Rajgir, District- Nalanda, Bihar.
5. Chandrika Son of late Lagan Mahto, Track Man Under Section Engineer(Con.). East Central Railway, Mahendrughat, Patna, Bihar.
6. Jai Ram Singh, Son of late Dewan Singh, Ex Welder Under Section Engineer(Con.), East Central Railway, Mahendrughat, Patna, Bihar.
7. Jai Ram Tiwari, Son of late Chhanru Tiwari, Under Section Engineer(Con.). East Central Railway, Mahendrughat, Patna, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Sinha, CGC
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 19-02-2024



On 16.02.2024, matter was heard at length and following order was passed:-

"Railway Servants are governed by Rules called "The Railway Services (Pension) Rules, 1993". Definition of railway servant under sub-rule 23 of Rule 3 reads as under:-

"(23) "railway servant" means a person who is a member of a railway service or holds a post under the administrative control of the Railway Board and includes a person who is holding the post of Chairman, Financial Commissioner or a Member of the Railway Board but does not include casual labour or person lent from a service or post which is not under the administrative control of the Railway Board to a service or post which is under such administrative control;"

2. Reading of the aforementioned provision, it is crystal clear that such of those casual labourers are not entitled or covered by aforementioned Rules, 1993. In the present case, respondents were initially appointed as casual labourer, thereafter, they have been granted temporary status on a particular date and further their services have been regularized. Therefore, for fixation of pension what would be the relevant date in respect of respondents are concerned, it is to be noted that all the respondents had a temporary status with a particular date. Therefore, from that date pension is required to be calculated.

3. Learned counsel for the petitioner is hereby directed to apprise further, if any, to the extent that respondents are not entitled to count temporary services till date of regularization towards fixation of pension. If such material is not placed on record, we will dispose of this matter based on the aforementioned provision of law.



4. *Re-list this matter on 19.02.2024.”*

2. Today, learned counsel for the petitioners submitted that in the Railway Manual, the definition of Railway Servant is different. It is to be noted that subject matter is relating to counting of temporary service towards grant of pension under the Railway Services (Pension) Rules, 1993 sub-rule 23 of Rule 3 has been quoted in our earlier order. What has been excluded is only casual labourer. Therefore, temporary service rendered by Railway Servant is entitled to count services rendered from the date of temporary services followed by regularisation, if any, and till the date of retirement.

3. In view of these facts and circumstances, the petitioner has not made out a case so as to interfere with the CAT order dated 07.09.2016 passed in O.A. No. 050/00650/2016. Hence, CWJC No. 20469 of 2019 stands rejected while affirming CAT decision cited (supra)

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

abhishekk/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.02.2024
Transmission Date	NA

