

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 13476 of 2016

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1. The Union of India through the General Manager, E.C. Railway, Hajipur, Bihar.
 2. The General Manager, Eastern Central Railway Zone, Hajipur, Bihar.
 3. The Divisional Personnel Officer, Eastern Railway, Mugalsarai.
 4. The Divisional Railway Manager, Eastern Railway, Mugalsarai.
 5. The Assistant Engineer, Eastern Railway, Dehri-On-Sone, Rohtas at Sasaram.
 6. The Railway Inspector, Eastern Railway, Dehri-On-Sone, Rohtas at Sasaram.

... .. Petitioner/s

Versus

Ramashish Yadav, Son of late Nathuni, R/o village- Tineri, P.S.- Aanti,
District- Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Dr. Iti Suman, CGC
For the Respondent/s : Mr. Dhaneshwar Pd. Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

and

HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

Date: 10-03-2026

The present writ petition has been filed by the petitioners assailing the order dated 25.02.2016 passed by the learned Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as the 'Ld. CAT') in OA No.050/00617/2015, whereby and whereunder the petitioners herein have been directed to pass necessary order on the



admissibility of pension to the original respondent in light of the judgment rendered by the Ld. CAT, Patna Bench, Patna in similar matters *vide* order dated 07.11.2014, as upheld by the Hon'ble Patna High Court in a series of writ petitions *i.e.* CWJC No. 11695 of 2015 and other analogous cases *vide* judgment dated 18.08.2015, whereby and whereunder the Railways have been directed to count 100% service towards pensionary benefits, if otherwise admissible, from the period of temporary status till regular absorption and thereafter till superannuation and to count 50% for the period of continued service rendered as casual labour till counting of temporary status.

2. At the outset, the learned counsel for the parties have jointly referred to a judgment dated 24.03.2017 rendered by the Hon'ble Apex Court in the case of ***Union of India and Others vs. Rakesh Kumar and Others (Civil Appeal No. 3938 of 2017 and other analogous cases)***, paragraph Nos.55 and 56, are reproduced herein below:-

“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."

3. Thus, it is submitted by the learned counsel for the petitioners that the casual workers after obtaining temporary status as also before obtaining the temporary status are entitled to reckon 50% of their services till they are regularized on a regular/ temporary post for the purposes of calculation of pension.

4. The learned counsel appearing for the sole respondent has not disputed the fact that as per the aforesaid judgment rendered by the Hon'ble Apex Court in the case of **Rakesh Kumar & Ors. (supra)**, for the purposes of computing the period



of service of a retired employee for calculation of pension, the same has to be reckoned only to the extent of 50% of his services till he was regularized.

5. Having regard to the facts and circumstances of the case, we direct the petitioners to re-workout the pensionary claims of the original respondent as per the law laid down by the Hon’ble Apex Court in para No. 55 of the judgment rendered in the case of **Rakesh Kumar & Ors. (supra)**, within a period of four weeks from today and pay the balance amount to the legal heirs of the deceased employee within a period of four weeks, thereafter.

6. Accordingly, the present writ petition stands disposed of with the aforesaid modification in the impugned order dated 25.02.2016, passed by the Ld. CAT in OA No.050/00617/2015.

(Mohit Kumar Shah, J)

(Arun Kumar Jha, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.03.2026
Transmission Date	NA

