

February 10, 2026
Sl. No.26
Court No.1
s.biswas

WPCT 251 of 2025

Union of India and others
vs.
Rama Sankar Yadav

Mr. Sanajit Kumar Ghosh
Ms. Amrita Pandey
Mr. Ghanshyam Pandey
Mr. S. Ghosh
... for the petitioners/Union of India

Per, Sujoy Paul, C.J.

1. Mr. Sanajit Kumar Ghosh, learned counsel for the petitioners/Union of India is heard on admission.
2. This petition assails the order passed by Central Administrative Tribunal (Tribunal), Kolkata Bench in O.A. No.350/2023/2021 decided on 15.11.2023.
3. In a nutshell, the claim of the respondent employee before the Tribunal was that he rendered 13 years 11 months and 8 days qualifying service and retired on attaining the age of superannuation from Railways on 31.05.2016. The singular claim of the employee before the Tribunal was to count 50% of his services rendered by him as

Commissioner Bearer from 18.01.1978 to 29.04.2002. The claim was based on the judgment of Supreme Court in the case of ***Union of India vs. Munshi Ram*** decided on 31.10.2022. The Tribunal after following the said order of Supreme Court, allowed the original application which resulted in filing the present petition.

4. Learned counsel for the petitioners, Mr. Ghosh, fairly submits that no doubt in the case of ***Munshi Ram*** (supra) the Hon'ble Apex Court directed the Northern Railways to count 50% of services rendered by the respondents therein prior to their regularization for the purposes of pensionary benefits. However, he submits that Apex Court issued such direction without considering the Indian Railways Establishment Manual, Indian Railways Establishment Code and Pension Rules.
5. We have heard him at length.
6. The Apex Court after considering the argument of Railways recorded in specific that such employees are indeed entitled to

get their 50% of services counted for pensionary benefits. The Tribunal's order para 14 reads thus:

14. *This issue has been settled by the judgment of the Honourable Apex Court dated 31.10.2022 in Union of India versus Munshi Ram. The operative part of the said judgement are reproduced below:*

"i) In view of the above and for the reasons stated above and even applying the doctrine of stare decisis, on the aforesaid ground alone, the present appeals deserve to be dismissed and are accordingly dismissed, by holding that the respondents – Commisin Vendors/bearers working in the Northern Railway are entitled to have 50% of their services rendered prior to their regularization to be counted for pensionary benefits like-other office bearers/Vendors working under the Railways Board, working in different zones/divisions, namely, Western Railway, Eastern Railway, Southern Railway and South-Eastern Railway.

ii) All these appeals are accordingly dismissed. No costs."

7. A plain reading of this order of Tribunal shows that the Tribunal has taken a plausible view. From the order of Tribunal it is nowhere reflected that such an argument was advanced by the Railway Administration before the Tribunal. Thus, by the judgment Tribunal has taken a plausible view based on the judgment of

the Supreme Court in ***Munshi Ram*** (supra) and therefore, no interference is warranted. Resultantly, admission is declined. Petition is **dismissed**.

(Sujoy Paul, C.J.)

(Partha Sarathi Sen, J.)