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W.P.No.5056 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2026

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THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.P.No.5056 of 2024

and

W.M.P.No.5558 of 2024

1. Union of India
Rep. By the General Manager
Southern Railway
Park Town P.O, Chennai-600 003.
2. The Assistant Personnel Officer / Settlement
Chennai Division, Southern Railway
Chennai-600 003.

... Petitioners

vs.

1. M.Lakshmanan
Retired Khalasi Helper
SSE/Elect/AJJ/MAS Division / S.Rly
No.2/56, Thalangai Village & Post
Ammur-Via Walajah Taluk, Vellore.
2. The Registrar
Central Administrative Tribunal
Madurai Bench, Chennai.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorari, to call for the records from the file of the 2nd respondent in O.A.No.676 of 2018 dated 20.07.2023 and quash the same.

For Petitioners : Mr.C.Kulanthaivel
Senior Panel Counsel

For Respondents : R1 – No representation
R2 – Central Administrative Tribunal

ORDER

[Made by **S.M.SUBRAMANIAM, J.,**]

Under assail is the order of the Central Administrative Tribunal, Chennai Bench [hereinafter “CAT” for the sake of brevity] dated 20.07.2023 in O.A.No.676 of 2018.

2. The Union of India has preferred the present writ petition mainly on the ground that the relief granted by the CAT is in violation of Rule 31 of the Railway Services (Pension) Rules, 1993 [hereinafter “1993 Rules” for the sake of brevity].

3. The facts, in brief, would show that the first respondent was engaged as a Casual Labourer in the Southern Railway in the year 1978.

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His services were regularized against a sanctioned post in the year 1988.

The first respondent retired from service in the year 2012. As per Rule 31 of 1993 Rules, 50% of the service rendered as casual labourer is to be reckoned as qualifying service for the period of grant of pension and pensionary benefits.

4. The learned counsel appearing on behalf of petitioners would submit that 50% of the temporary service has already been taken into account for calculating qualifying service and not being satisfied with the same, the first respondent approached the CAT claiming that 100% of the service rendered as Casual Labourer ought to be reckoned as qualifying service.

5. The Tribunal, in paragraph No.11 of the order impugned, recorded a finding that the applicant has rendered service from 06.03.1978 as a Substitute Casual Labourer till his regular absorption. Having considered the said fact, the CAT granted the relief of counting 100% of the service rendered by the respondent as a Casual Labourer, based on the earlier orders of the Tribunal in O.A.Nos.644 of 2023 dated 22.06.2023 and O.A.No.700 of 2018 dated 28.06.2022.



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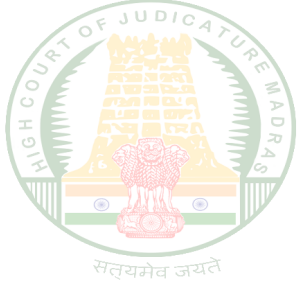
6. This Court is of the considered view that the earlier decisions as well as the impugned order in the present writ petition, run contrary to Rule 31 of the 1993 Rules.

7. Rule 31 of 1993 Rules was considered by this Court in the case of **Union of India and another Vs. G.Ragavan and another** reported in **2024:MHC:4127** and the relevant portions are extracted hereunder:

“6. The learned Senior Panel Counsel appearing on behalf of the writ petitioners would submit that the ratio laid down by the Hon'ble Supreme Court of India in the case of Union of India and Others vs. Rakesh Kumar and Others 1, has been erroneously interpreted by the Central Administration Tribunal. Consequently, the relief granted in favour of the 1 st respondent is contrary to the judgment of the Hon'ble Supreme Court as well as Rule 31 of the Railway Services (Pension) Rules, 1993.

11. The Hon'ble Supreme Court of India in the case of Rakesh Kumar cited supra considered the issues relating to the regularisation of temporary status employees, pensionary benefits and calculation of qualifying service.

12. In paragraph 53.1, the Apex Court held that “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



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pension”.

13. In paragraph 53.3 states that “Those casual workers who are appointed to an post either substantively or in officiating or in temporary capacity are entitled to reckon the entire period from date of taking charge of such post as per Rule 20 of the 1993 Rules”.

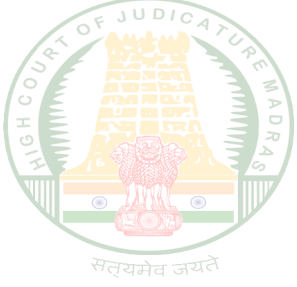
14. With reference to the above ratio laid down by the Apex Court, it is relevant to consider Rule 31 of the Railway Service (Pension) Rules, 1993, which reads as under:

“31. Counting of service paid from Contingencies- In respect of a railway servant, in service on or after the 22nd day of August, 1968, half the service paid from contingencies benefits on absorption in regular employment, subject to the following condition namely: -

(a) the service paid from contingencies has been in a job involving wholtime employment;

(b) the service paid from contingencies should be in a type of work or job for which regular posts could have been sanctioned such as posts of malis, chowkidars and khalasis;

(c) the service should have been such for which payment has been made either on monthly rate basis or on daily rates computed and paid on a monthly basis and which, though no analogous to the regular scales of pay, borne some relation in the matter of pay to those being paid for similar jobs being performed at the



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relevant period by staff in regular establishments;

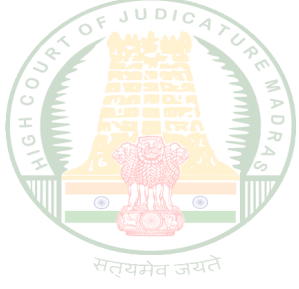
(d) the service paid from contingencies has been continuous and followed by absorption in regular employment without a break; Provide that the weightage for past service paid from contingencies shall be limited to the period after 1st January 1961 subject to the condition that authentic records of service such as pay bill, leave record or service-book is available.

NOTE - (1) the provisions of this rule shall also apply to casual labour paid from contingencies.

(2) The expression “absorption in regular employment” means absorption against a regular post.

15. Therefore, the word “temporary status” or “temporary capacity” must be considered with reference to the sources of salary payment for such temporary status employees, specifically whether it was paid from the Contingency Fund of India or the Consolidated Fund of India.

16. Conversely, if a temporary employee holds a substantive post and their salary is paid from the Contingency Fund of India, then those employees are entitled for counting of 50% of the temporary services under Rule 31 of the Railway Services (Pension) Rules. If a temporary employee holds a substantive post and their salary is paid from the Consolidated Fund of India, then those employees are entitled for full services for reckoning the qualifying services.”



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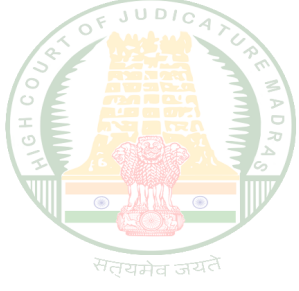
8. In view of the above factual and legal position, the impugned order dated 20.07.2023 passed by the CAT, Chennai Bench, in O.A.No.676 of 2018 is set aside. Accordingly, the Writ Petition stands allowed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

(S.M.S.,J.) (N.S.,J.)
04.06.2026

Index : Yes
Neutral Citation : Yes
Speaking order

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To
The Registrar
Central Administrative Tribunal
Madurai Bench, Chennai.



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**S. M. SUBRAMANIAM, J.,
and
N.SENTHILKUMAR, J.,**

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**W.P.No.5056 of 2024
and
W.M.P.No.19663 of 2026**

04.06.2026