



WEB COPY

WP No. 23681 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-02-2026

CORAM

**THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN
AND
THE HON'BLE MR.JUSTICE K.KUMARESH BABU**

**WP No. 23681 of 2023
and
WMP No.23188 of 2023**

1. Union Of India
Rep. By The General Manager,
Southern Railway, Park Town P.O,
Chennai - 600003.
2. The Sr. Divisional Personnel Officer,
Chennai Division,,
Southern Railway, Chennai - 600 003.

..Petitioners

Vs

1. K.Viswanathan
Rtd, Helper, Grade I, SSE/P.Way/TVT/
MAS Division/S.Rly,
No. 47, Bhajanaikoil Street,
Periyakavanam Village, Ponneri Taluk,
Trivellore - 601 204.
2. The Registrar,
Central Administrative Tribunal, Chennai.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India calling for the records from the file of the 2nd respondent in O.A. No.373 of 2019 dated 27.4.2023 and quash the same.

For Petitioners:

Mr.K.Ramanamoorthy, SPC

For R1:

No appearance.

**ORDER****(Order of the Court was made by K.Kumaresh Babu J.)**

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The writ petition has been filed seeking issuance of a writ of certiorari calling for the records from the file of the 2nd respondent in O.A.No.373 of 2019 dated 27.4.2023 and quash the same.

2. Heard the learned counsel appearing for the petitioner.

3. In spite of notice on the respondent having been served, the respondent was neither present nor entered his appearance through a counsel. The respondent was called absent.

4. The issue involved in the writ petition is with regard to the entitlement of the first respondent herein for counting the service rendered by him as Casual Labourer in its entirety for the purpose of calculating the pension and other retirement benefits.

5. The Tribunal had directed the petitioners to treat the entire period of service rendered by the first respondent as Casual Labourer for calculating the service for the purpose of pension and to revise the retirement benefits and pay all consequential arrears with admissible interest by re-issuing the revised Pension Pay Order.

6. Even according to the first respondent herein, in his claim before the Central Administrative Tribunal, only 50% of such services was reckoned as qualifying service. The issue as to whether the service rendered as Casual



Labourer would have to be counted for calculating the pension and other retirement benefits is no longer *res integra*.

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7. The Hon'ble Apex Court, in the judgment relied upon by the learned counsel for the petitioner in the case of ***Union of India and others Vs. Rakesh Kumar and others (2017) 13 SCC 388***, has categorically held that the grant of temporary status as a casual labourer is not akin to appointment against a post and such contingency is not covered by Rule 20, and the same is expressly covered under Rule 31.

8. For better appreciation, the relevant paragraph 44 is extracted hereunder:

“44. As observed above, the grant of temporary status of casual labour is not akin to appointment against a post and such contingency is not covered by Rule 20 and the same is expressly covered by Rule 31 which provides for “half the service paid from contingencies shall be taken into account for calculating pensionary benefits on absorption in regular employment subject to certain conditions enumerated therein”. Thus Rule 31 is clearly applicable while computing the eligible services for calculating pensionary benefits on granting of temporary status.”

9. Noting the above, the Hon'ble Apex Court has held that an employee, who had been a casual labourer and granted temporary status would be entitled



to count only 50% of his service as a casual labourer, as per Rule 31 of the Railway Service Pension Rules.

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10. As rightly pointed out by the learned counsel for the petitioner that the Coordinate Bench of this Court in *W.P.No.33866 of 2022 dated 26.11.2024* has also held that a temporary employee, receiving salary from contingencies cannot be construed as being in regular employment of the Railways and such employment would entitle the employee to count only 50% of the temporary service rendered, as per Rule 31 of the Railway Services Pension Rules, which we are also in complete agreement with.

11. In view of the ratio laid down by the Hon'ble Supreme Court as extracted supra, the writ petition stands allowed and the order impugned in O.A.No 373 of 2019 passed by the 2nd respondent dated 27.4.2023 stands set aside. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(C.V.K.,J.) (K.B.,J.)
19-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

ssk

To

1. K.Viswanathan
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