

Eastern Railway
(Personnel Department)
17, N. S. Road, Kolkata -700 001

No. E.615/0/1/X

Kolkata, Dated: 31/01/2019

**PFA/SDGM/PCOM/PCME/PCEE/PCMM/PCSTE/PCE
PCMD/PCCM/CAO(Con)/PCSC**

Divisional Railway Managers

HWH/SDAH/ASN/MLDT
Eastern Railway

Chief Works Managers

KPA/JMP/LLH
Eastern Railway

All Dy.CPOs/SPOs/APOs, E. Rly., Kolkata

Sub: Counting of the period of service of Casual Labour as qualifying service for pension – Clarification reg.

Ref: Board's letter No. E(NG)II/2017/ECR/CL/4 dated 07/01/2019.

As per existing guidelines, half the period of service put in by Open line/Project Casual Labours after attaining temporary status would count as qualifying service for pension on their eventual absorption in regular employment without a break.

2. Hon'ble Supreme Court, while affirming the aforesaid procedure in its judgement/order passed in Civil Appeal No. 3938 of 2017 [arising out of SLP(C) No. 23723 of 2015 in the case of Union of India & Ors.-Vs-Rakesh & Ors.], has also inter-alia observed vide Para 55 (ii) therein that the casual worker before obtaining the temporary status is also entitled to reckon 50% of casual service for purposes of pension.

3. Accordingly, the issue has been examined in consultation with Railway Board. Board vide their letter under reference have clarified "**...the stipulation made in the Ministry of Finance's OM dated 14/05/1968, as circulated vide this Ministry's letter 14/10/1980 is not in variance with the provision conducted in Para 31 of Railway Service Pension Rules, 1993. The same has been reiterated by the Apex Court in para 55(II) of its judgement/order in Civil Appeal No. 3938 of 2017 [arising out of SLP(C) No. 23723 of 2015 dated 24th March, 2017. Railway Administration may dispose the pending representation/court cases as per the instructions *ibid*.**" It may be noted that Board's letter dated 14/10/80 was circulated under this office serial No. 193/80.

4. In view of the above, the judgement/orders of the Apex Court may be implemented, subject to conditions stipulated in Rule 31 of RS (Pension) Rules, 1993 and other relevant letters issued by Board from time to time such as circulated under this office serial Nos. 193/80 and 194/86, duly first taking the concurrence of associated Accounts in each case.

This issues with the approval of competent authority.



(Anjan Ray)

Dy. Chief Personnel Officer/Gaz.
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