

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

Serial Circular No.11/2026

No.E.615/0/1/X

Kolkata, Dated: 04/02/2026

All Concerned
(as per standard list)

Sub: Counting of the period of service of Open Line Casual Labour and Project Casual Labour before attaining Temporary Status as qualifying service for pensionary benefits on absorption in regular employment on Railways.

A Copy of Ministry of Railways (Railway Board) letters bearing number E(NG)II/2017/ECR/CL/4 dated 21/01/2026 on the above cited subject is circulated herewith for information and further necessary action. Board's earlier letter dated 27/04/2017 mentioned therein was circulated under this office letter of even number dated 08/05/2017 (Copy enclosed).

DA: As above.


(Sucharita Das)
Chairperson/RRC
For Pr. Chief Personnel Officer
Phone No. 24162 (Rly.)
Email ID: chairpersonrrc@gmail.com

Amara
04/02/2026

**GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
RAILWAY BOARD**

No. E(NG)II/2017/ECR/CL/4

New Delhi, dated : 21.01.2026

The General Manager (P)
All Zonal Railways/PUs & RDSO.
(As per Standard Mailing list)

Sub: Counting of the period of service of Open Line Casual Labour and Project Casual Labour before attaining Temporary Status as qualifying service for pensionary benefits on absorption in regular employment on Railways.

Attention is invited to Board's letter of even number dated 27.04.2017 wherein it has been inter-alia laid down that all court cases pending on the above subject matter may be contested relying on the ratio laid down in the Hon'ble Supreme Court's judgment dated 24.03.2017 in Civil Appeal No.3938/2017 arising out of SLP No.23723/2015 in case of UOI & Ors vs. Rakesh Kumar & Ors.

2. The operative para of the said judgment is in para 55, which stipulates as shown below:-

- a) *The casual worker after obtaining temporary status is entitled to reckon 50% of his services till he is regularized on a regular/temporary post for the purpose of calculation of pension.*
- b) *The casual worker before obtaining temporary status is also entitled to reckon 50% of casual service for purposes of pension.*
- c) *Those casual workers who are appointed to any post either substantively or in officiating or in temporary capacity are entitle to reckon the entire period from date of taking charge to such post as per Rule 20 of Rules, 1993.*
- d) *It is open to the Pension Sanctioning Authority to recommend for relaxation in deserving cases to the Railway Board for dispensing with or relaxing requirement of any of these rules (The Railway Service (Pension) Rules, 1993; Rule-107) with regard to those casual workers who have been subsequently absorbed against the post and are deserving (facing undue hardship due to any of these rules).*

3. The matter has been examined by Board and it has been decided that since the judgment of Hon'ble Supreme Court dated 24.03.2017 in Civil Appeal No.3938/2017 arising out of SLP No.23723/2015 in case of UOI & Ors vs. Rakesh Kumar & Ors. upholds the policy of Railways to count 50% of the service of a casual labour after attaining the temporary status up to the regularization on a regular post for the purposes of pension and Rule -31 (along with Note (1)

Copy 13 /

below Rule-31) and 20 of the Railway Service (Pension) Rules, 1993, all pending cases based on similar facts and circumstances involved may be decided/finalized accordingly.

Further, as provided in proviso to Rule 31, it may be ensured that authentic records of service such as Pay Bills, Leave Records or Service Books are available for verification of the claims.



(U. K. Tiwari)
Director, Estt.(N)
Railway Board

Rail Bhawan, Raisina Road, New Delhi-110001

**GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)**

No. E(NG)II/2017/ECR/CL/4

New Delhi, Date: 27.04.2017

**General Manager (P)
All Zonal Railways/PUs**

(Kind Attn. :- All CPOs)

Sub:- Counting of the period of service of Open Line Casual Labour and Project Casual Labour after their attainment of Temporary Status as qualifying service for pensionary benefits on absorption in regular employment on Railways.

The issue of Counting of the period of service of Open Line Casual Labour and Project Casual Labour after their attainment of Temporary Status as qualifying service for pensionary benefits on absorption in regular employment on Railways have been under consideration of Board for quite some time owing to spate of litigations in various courts.

The matter has comprehensively been deliberated by the Board and accordingly, instructions contained in Board's letter No. E(NG)II/78/CL/12 dated 14.10.1980 and E(NG)II/85/CL/6 dated 28.11.1986 are re-iterated. Further, all such cases pending in various courts on the issue may also be contested in light of Hon'ble Supreme Court judgement dated 24.3.2017 in Civil Appeal No. 3938/2017 arising out of SLP(C) No. 23723/2015 in case of Union on India & ors. V/s Rakesh Kumar & ors.

Please acknowledge receipt.

{This also disposes of GM/East Central Railways D.O. letter No. ECR/HRD/Court Cell/Corresp. dated 31.01.2017.}


(Neeraj Kumar)
Director Estt. (N)II
Railway Board

REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3938 OF 2017

(ARISING OUT OF SLP (C) NO. 23723 OF 2015

UNION OF INDIA & ORS.

.... APPELLANTS

VERSUS

RAKESH KUMAR & ORS.

.... RESPONDENTS

WITH

C.A .NO.3939 OF 2017

(ARISING OUT OF SLP(C)NO.23725 OF 2015),

C.A. NO.3940 OF 2017

(ARISING OUT OF SLP(C)NO.3382 OF 2016),

C.A. NO.3941 OF 2017

(ARISING OUT OF SLP(C) No.28597 OF 2016),

C.A. NO.4384 OF 2017

(ARISING OUT OF SLP(C)NO.821 OF 2017),

C.A. NO.3943 OF 2017

(ARISING OUT OF SLP(C) NO.8365 OF 2017 @CCNO.1516/2017

AND

C.A. NO.3944 OF 2017

(ARISING OUT OF SLP(C) NO.3719 OF 2017)

J U D G M E N T

ASHOK BHUSHAN, J.

These appeals have been filed by the Union of
India, Divisional Railway Manager, Northern Railway

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.

.....J.
(A.K. SIKRI)

NEW DELHI,
MARCH 24, 2017.

.....J.
(ASHOK BHUSHAN)

Ors.] decided on 31.08.2010. In the said case also Punjab and Haryana High Court considered the Punjab Civil Services Rules and pension scheme which came into effect w.e.f. 01.01.2004. The said judgment was on different statutory rules and in facts of that case, which does not help respondent in the present case.

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