

(2026) 03 PAT CK 1102

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 13093 Of 2016

Union Of India

APPELLANT

Vs

Subhan

RESPONDENT

Date of Decision : 10-03-2026

Acts Referred:

Citation : (2026) 03 PAT CK 1102

Hon'ble Judges : Mohit Kumar Shah, J: Arun Kumar Jha, J

Bench : Division Bench

Advocate : Iti Suman, Manoj Kumar Singh

Final Decision : Disposed Of

Judgement

Mohit Kumar Shah, J

1. We find from the records as also from the order dated 16.12.2025, passed by this Court in the present case that the service of notice upon the sole respondent is complete, however none has chosen to appear before this Court on behalf of the sole respondent.

2. The present writ petition has been filed by the petitioners assailing the order dated 13.01.2016 passed by the learned Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as the 'Ld. CAT') in OA No.050/00471/2015, whereby and whereunder the petitioners have been directed to count 50% of the service of the sole respondent as casual labour and 100% of temporary status followed by regularization as qualifying service for the pension and accordingly revise the retiral dues and pension of the sole respondent.

3. At the outset, the learned counsel for the petitioners has referred to a judgment dated 24.03.2017 rendered by the Hon'ble Apex Court in the case of Union of India and Others vs. Rakesh Kumar and Others (Civil Appeal No. 3938 of 2017 and other analogous cases), paragraph Nos.55 and 56, whereof are reproduced herein below:-

"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 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."

4. Thus, it is pointed out by the learned counsel for the petitioners that the casual workers after obtaining temporary status as also before obtaining the temporary status are entitled to reckon 50% of their services till they are regularized on a regular/ temporary post for the purposes of calculation of pension.

5. Having regard to the facts and circumstances of the case and taking into account the aforesaid judgment rendered by the Hon'ble Apex Court in the case of Rakesh Kumar & Ors. (supra), we find that for the purposes of computing the period of service of a retired employee for calculation of pension, the same has to be reckoned only to the extent of 50% of his services till he was regularized.

6. Accordingly, we direct the petitioners to re-workout the pensionary claims of the sole respondent as per the law laid down by the Hon'ble Apex Court in para No. 55 of the judgment rendered in the case of Rakesh Kumar & Ors. (supra), within a period of four weeks from today and pay the balance amount to the sole respondent within a period of four weeks, thereafter.

7. Accordingly, the present writ petition stands disposed of with the aforesaid modification in the impugned order dated 13.01.2016, passed by the Ld. CAT in OA No.050/00471/2015.