

**\* THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI**  
**\* THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR**  
**CHINTALAPUDI**

**WRIT PETITION NO: 21009 OF 2026**

% 29.07.2026

# Union of India & 3 others

.....petitioners

And:

\$ M.Venkateswara Rao

.... respondent

!Counsel for the petitioners : Sri Bomminayuni Appa Rao

^Counsel for the respondent :

<Gist:

>Head Note:

? Cases referred:

1. 2022 SCC OnLine SC 1493
2. (2017) 13 SCC 388

**HIGH COURT OF ANDHRA PRADESH AT AMARAVATI**

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**WRIT PETITION NO: 21009 OF 2026**

**Between:**

Union of India & 3 others

**..... PETITIONERS**

**AND**

M.Venkateswara Rao

**....RESPONDENT**

**DATE OF JUDGMENT RESERVED :**

**DATE OF JUDGMENT PRONOUNCED : 29.07.2026**

**DATE OF JUDGMENT UPLOADED : .08.2026**

**SUBMITTED FOR APPROVAL:**

**THE HON'BLE SRI JUSTICE RAVI NATH TILHARI**

**&**

**THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR  
CHINTALAPUDI**

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|-------------------------------------------------------------------------------|--------|
| 1. Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be marked to Law Reporters/Journals     | Yes/No |
| 3. Whether Your Lordships wish to see the fair copy of the Judgment?          | Yes/No |

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**RAVI NATH TILHARI,J**

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**PURUSHOTTAM KUMAR CHINTALAPUDI,J**

**THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI**  
**THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR**  
**CHINTALAPUDI**

**WRIT PETITION NO: 21009 OF 2026**

**ORDER:** *(per Ravi Nath Tilhari, J)*

Heard Sri Bomminayuni Appa Rao, learned counsel for the petitioners and perused the material on record.

2. The present writ petition has been filed by the Union of India, South Central Railway & others, challenging the judgment and order dated 02.04.2024 passed by the Central Administrative Tribunal, Hyderabad Bench, Hyderabad in Original Application No.020/00093/2022. The OA was filed by the respondent herein. He shall be referred as the applicant.

3. The applicant after fulfilling of the formalities was appointed as vendor on 25.11.1980 on commission basis at VRR/SLO on temporary basis. On 11.03.1997, while he was working by the Train No.7007, he was hit by the train door and his right thumb was seriously injured and was directed to M.S./R.H/RJY for further treatment. On 25.05.1998, a screening committee was appointed for absorption of Commission vendors. Another committee was appointed on 18.11.2002. On 22.08.2005, the applicant was sent for Special medical Examination. On 13.02.2006, the applicant temporary services were regularized. He was

working as hospital Attendant, Health Unit, Eluru Railway Station. On 16.07.2019, the applicant submitted representation to the present writ petitioners to extend the benefit of GPF and Old Pension Scheme after calculating the applicant's temporary service rendered by him from 25.11.1980. The said representation was rejected on 02.08.2019 and challenging the same as also seeking counting of casual labour service for the purpose of pensionary benefits, the OA was filed.

4. The OA was filed for the following relief:

“To quash and set aside the order vide Memorandum No.SCR/P/BZA/VIII/CPGRAMS dated 02.08.2019 denying the benefits of pension and other benefits on par with the similarly situated applicants who were benefited in OA Nos.186 of 2016 of Hon'ble CAT, Bangalore, and in another OA No.839 of 2016 of Hon'ble CAT, Hyderabad.”

5. The present petitioners (respondents in OA) filed their counter/reply and opposed the OA inter-alia on the ground that the applicant's service was regularised in the year, 2006. He was covered under New Pension System (NPS). The applicant was appointed as vendor on commission basis and thereafter he was issued with appointment order in the year 2005 which was a fresh appointment on temporary basis and the same was confirmed in 2006. So, once the applicant had accepted the said appointment order, he could not claim his earlier services rendered as commission vendor, towards the benefit claimed.

6. The OA has been allowed in the following terms:

“In view of the above, the impugned order dated 02.08.2019 passed by the respondents rejecting the case of the applicant for counting of casual labour service for the purpose of pensionary benefits, is hereby quashed and set aside. However, it is made clear that following the judgment passed by the Hon’ble Supreme Court in the matter of Union of India & others vs. Rakesh kumar & others in Civil Appeal No.3938/2017 dated 24.03.2017, the respondents are directed to count the 50% of service of the applicant rendered as Commission Vendor/Bearer prior to his regularisation for the purpose of pensionary benefits. However, the monetary benefits shall be paid to the applicant prior to 3 years of filing of this OA only.”

7. The Tribunal has allowed the OA referring to the judgment of Hon’ble Apex Court in the case of ***Union of India v. Munshi Ram***<sup>1</sup>.

8. In the aforesaid case, which was from the Railway Department, the Hon’ble Apex Court held as under in para Nos.55 to 57:

**“55.** From the aforesaid, it can be seen that with respect to Commission Vendors/bearers working in the Western Railway, Eastern Railway, Southern Railway and South-Eastern Railway, they are held to be entitled to 50% of the services rendered prior to their regularization to be counted for pensionary benefits and all those Commission Vendors/bearers are granted such benefits. Now the dispute is with respect to Commission Vendors/bearers working in the Northern Railway.

**56.** It cannot be disputed that employees working in different divisions/zones in the Railways are under the very same employer - Railway Board which is under the Ministry of Railways. There are 16 Zones and 68 Divisions in the Railways. Therefore, the employees

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<sup>1</sup> 2022 SCC OnLine SC 1493

working under the same employer - Railway Board working in different Zones/Divisions are required to be treated similarly and equally and are entitled to similar benefits and are entitled to the same treatment. As rightly submitted on behalf of the respondents, there cannot be any discrimination *inter se*. Under the circumstances, on the ground of parity, the Commission Vendors/bearers working in the Northern Railway are entitled to the same benefits which are held to be entitled to all the similarly situated Commission Vendors/Bearers working under different Zones/Divisions. There cannot be different criteria/parameters with respect to similarly situated employees - Commission Vendors/bearers working in different Zones/Divisions, but working under the same employer.

**57.** The Railways/UOI/Railway Board cannot be permitted to repeat the same arguments which were raised before different Tribunals, High Courts and also before this Court. Under the circumstances, the respondents - Commission Vendors/bearers working in the Northern Railway shall also be entitled to the same benefits which the other Commission Vendors/bearers working in different Zones/Divisions are held to be entitled to. There cannot be discrimination among the similarly situated Commission Vendors/bearers. To deny similar benefits would tantamount to discrimination and in violation of Articles 14 and 16 of the Constitution of India.”

9. The Hon’ble Apex Court held that the commission vendor/bearers’ working in the northern railways shall also be entitled to the same benefits which the other commission vendor/bearer working in different zones/Divisions were held to be entitled. There cannot be discrimination and violation of Articles 14 & 16 of the constitution of India.

10. Learned counsel for the petitioners referred to Railway Establishment Manual (Clause-B), which reads as under:

(b) Such casual labour who acquire temporary status, will not, however, be brought on to the permanent or regular establishment or treated as in regular employment on Railways until and unless they are selected through regular selection Board for Group D Posts in the manner laid down from time to time. Subject to such orders as the Railway Board may issue from time to time, and subject to such exceptions and conditions like appointment on compassionate ground, quotas for handicapped and ex-serviceman etc. As may be specified in these orders they will have a prior claim over others to recruitment on a regular basis and they will be considered for regular employment without having to go through employment exchanges. Such of them who join as Casual labour before attaining the age of 28 years should be allowed relaxation of the maximum age limit prescribed for group 'D' posts to the extent of their total service which may be either continuous or in broken periods."

11. We are of the view that the aforesaid regulation is on entirely different aspect and not on the issue as involved in the writ petition wherein the question is of counting the 50% services rendered on casual basis as vendor/bearer, prior to regularisation, for pensionary benefits.

12. On the subject, considering relevant para No.20 of the circular No.54, Rules 2005 of the Indian Railway Establishment Manual and the Railway Services (Pension) Rules, 1993, in particular Rules 20 and 31 and other provisions, in ***Union of India v. Rakesh Kumar***<sup>2</sup>, the Hon'ble Apex Court held in para 46 and 53 as under:

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<sup>2</sup> (2017) 13 SCC 388

“46. We, however, are of the view that the period of casual labour prior to grant of temporary status by virtue of Note 1 of Rule 31 has to be counted to the extent of 50% for pensionary benefits.

.....

53. In view of the foregoing discussion, we hold:

**53.1. 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.**

**53.2. The casual worker before obtaining the temporary status is also entitled to reckon 50% of casual service for the purposes of pension.**

**53.3.** 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 of such post as per Rule 20 of the 1993 Rules.

**53.4.** It is open to the 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 fulfil 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 the 1993 Rules.”

13. The matter is squarely covered by the judgment of the Hon’ble Apex Court in **Rakesh Kumar** (supra) & **Munshi Ram** (supra).

14. The applicant was appointed on commission basis in the year 1980 as vendor. Subsequently, he was appointed on temporary basis



and was confirmed in the year 2006. So it cannot be said that the applicant did not acquire temporary status.

15. The Central Administrative Tribunal also held that in ***Munshi Ram*** (supra) the commission vendor who had been absorbed had not completed even 10 years of service, after their absorption before retirement, they were granted the benefit, whereas in the case of the applicant, he was absorbed in the year 2006. So, the Tribunal has rightly observed that the case of the applicant stands on better footing. The Tribunal has also rightly observed that the applicant was working since 1980 as Commission vendor/bearer till absorption in the year 2006 and had rendered 22 years of service in length. If at all 50% service had been calculated, it will be 13 years which should be added with his regular service after absorption.

16. The order impugned in OA dated 02.08.2019 was rightly set aside with direction for counting of casual labour service for the purpose of pensionary benefits following ***Munshi Ram*** (supra).

17. The Writ Petition is dismissed.

18. The writ petitioners shall implement the order of Tribunal without any further delay.

No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, shall also stand closed.

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**RAVI NATH TILHARI,J**

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**PURUSHOTTAM KUMAR CHINTALAPUDI,J**

Dated: 29.07.2026  
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THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI  
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**WRIT PETITION NO: 21009/2026**

Dated: 29.07.2026  
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