

Central Administrative Tribunal
Principal Bench

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O.A.No.309/97

Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 17th day of April, 1998

Shri Vir Singh
father of Late Shri Narender Singh
r/o C-3/309, Lodhi Colony
New Delhi - 110 003. Applicant

(By Shri R.P.Aggarwal, Advocate)

Vs.

1. Union of India through
the General Manger
Northern Railway
Baroda House
New Delhi.
2. The Divisional Railway Manager
Northern Railway
Chelmsford Road
New Delhi.
3. The General Manager
Southern Railway
Personnel Branch
Parktown
Madras - 600 003. Respondents

(By Shri O.P.Kshatriya, Advocate)

O R D E R (Oral)

The applicant submits that his son late Shri Narender Singh was employed as Khalasi in the Divisional Office of Northern Railway, New Delhi where he had joined duty on 19.2.1993. He had also been given temporary status against existing vacancy of S&T/Khalasi on 18.6.1993. While working in Delhi Division, he was temporarily transferred to SBC Division, Southern Railway and reported in that Division on 21.3.1994. It was also mentioned in the transfer order that his seniority, S.R., lien, etc. would continue to be maintained by the Delhi Division but pay and allowances would be paid to him by the Bangalore Division of Southern Railways. From Bangalore the deceased was transferred to the Railway Board w.e.f. 19.9.1995 with certain stipulations that he

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will be junior most to all permanent and temporary employees working in the category of Khalasi. Unfortunately he was shot dead the same day.

2. Applicant submits that he and his wife made various representations regarding the payment of Insurance and Productivity Linked Bonus, due to his deceased son but all in vain. It was only on 29.5.1996, that a sum of Rs.322/- only purported to be due on account of provident fund was released by Respondent No.2. The applicant submits that Insurance cover amounting to Rs.15,000/- was due on account of the death of his son which has been denied to him by the respondents.

3. The respondents in reply have stated that the deceased employee, the son of the applicant, was engaged as Casual Labour/Khalasi on 19.2.1993. He was granted temporary status but his turn had not come for screening and regularisation. The respondents submit that the Railway employees can be considered for regularisation only after being duly screened. They further state that Group Insurance amount is not paid in respect of casual employees. They however admit that the payment of productivity linked bonus was due. They also say that they have released a sum of Rs.1770/- on this account on 19.2.1998.

4. I have heard the counsel. The learned counsel for the applicant states that the orders issued in respect of transfer of the applicant from Delhi to Bangalore and Bangalore to Railway Board show that he was being treated as a regular employee. He submits the requisite deductions had been made in respect of Group Insurance from the salary of the deceased. On the other hand, the learned counsel for the respondents states that

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so long as the employee was not regularised, after screening, the question of Insurance cover would not arise.

5. I have considered the matter carefully. As to whether the son of the applicant had been appointed regularly is a question of fact. It is admitted on behalf of the applicant that, apart from the transfer orders, there is no other evidence available to show that the applicant had become a regular employee of the Railways. What essentially is being contended is that, in the circumstances, the applicant should be deemed to have become a regular staff. I do not find on this basis any financial benefit can be afforded to the applicants on account of their deceased son. Having joined in 1993 as a Casual Labour, his turn would not come for screening by 1995. Failing any further corroboration, I have no alternative but to accept the version of the respondents that the deceased employee was casual worker at the time of his death.

6. The respondents have already paid the productivity linked bonus. There is a claim that there should be a payment of penal interest on the delayed payment. Considering the small amount and the short delay that the more than one year, I do not consider that it is necessary to pass any order on that score. In the facts and circumstances of the case, I find no further ground for interference. OA is accordingly dismissed. No order as to costs.


(R.K. Ahoja)
Member (A)

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