

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**AHMEDABAD BENCH**

**O.A. NO.** 39/92  
**T.A. NO.**

**DATE OF DECISION** 6-10-1995

Smt. Sunki Rangiji

**Petitioner**

Mr. B.B. Gogia

**Advocate for the Petitioner (s)**

**Versus**

Union of India and Others

**Respondent**

Mr. N.S. Shevde

**Advocate for the Respondent (s)**

**CORAM**

**The Hon'ble Mr.**

**V. Radhakrishnan**

**Member (A)**

**The Hon'ble Mr.**

**JUDGMENT**

1. Whether Reporters of Local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

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Smt. Sunki Rangiji  
Hindu, Adult,  
Aged about 60 years  
Village Amli,  
Post Nadhelav,  
Taluka Dahod,  
Dist: Panchmahal.

..... Applicant.

(Advocate: Mr. B.B.Gogia)

Versus.

1. Union of India  
Owning & Representing  
Western Railway, through:  
General Manager,  
Western Railway,  
Churchgate, Bombay.

2. Divisional Railway Manager,  
Western Railway,  
Baroda Division,  
Pratapnagar, Baroda.

..... Respondents.

(Advocate: Mr. N.S. Shevde)

ORAL ORDER

O.A.No. 39 OF 1992

Date: 6-10-1995.

Per: Hon'ble Mr. V.Radhakrishnan, Admn. Member.

Heard Mr. Gogia and Mr. Shevde, the learned advocate for the applicant and the respondents respectively.

2. The contention of the applicant is that she was initially engaged as casual labourer in 1977 in V.O.P. project, Rajkot. She was transferred to Baroda in 1984. She submitted the resignation on 20.4.1991. As she had completed more than five years of service, according to her, she is entitled to gratuity for the

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number of years of service she has rendered. She made representations to respondents through her advocate in 1991, but no reply was received. Hence she has approached this Tribunal praying the following reliefs:

- "A) The respondents may be directed to calculate and pay the amount of Gratuity and also difference of pay from the date the applicant was required to be granted temporary status, i.e., from the date on which the applicant had completed 120 days of service after her initial engagement.
- B) Any other better relief/reliefs as the honourable Tribunal deems just and proper may also kindly be granted to the applicant."

3. The Respondents have filed reply. They have stated that the applicant was engaged as fresh casual labourer in Baroda division. When the applicant was working in the Construction department she was eligible for temporary status. However, she was granted temporary status after completion of 120 days of continuous working as casual labourer in Baroda division, with effect from 8.1.1985. The applicant's resignation was accepted with effect from 24.1.1991. It is however, stated by them that the applicant has not filled in the necessary papers for settlement of her retiral/final dues and the case will be examined only after the submission of the necessary papers.

4. During arguments at the Bar Mr. Gogia for the applicant that the applicant had earlier joined in 1970 as casual labourer and she was given artificial breaks

in the service. In so far as the question of submission of papers is concerned, he states that normal practice is that the Railway Inspector has to get the papers completed/complied from the retiring employee. In this case this was not done. Mr. Shevde for the respondents states that as per the records available immediately the applicant had not completed the required years of service for the purpose of grant of gratuity and she was discharged after first engagement as she had became surplus and she was re-engaged in 1984 as fresh casual labourer. However, after some discussions Mr. Gogia states that his client will be satisfied if the respondents examine her case for the purpose of payment of Gratuity/Pension as well as pay fixation after taking into account her earlier service from 1977 after giving temporary status after completion of the required period from the initial period of her recruitment after counting her services from 1984. However, it is not possible to examine this point as service sheet is not available. Hence the respondents are directed to re-examine the case of the applicant regarding her contention of continuous service from 1977 and the allegation that she was given artificial breaks in service. After examining her service sheet the respondents are further directed to arrive at the total number of years of service completed by her ignoring the artificial breaks if any and accordingly work out her entitlement for gratuity/pension as well as refixation of pay by revising the date of conferment of temporary status from an earlier date if found to be continuous. The respondents shall conclude this

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this exercise within a period of three months. Her final settlement of gratuity/pension if found admissible under the Rules shall be disbursed to her within two months thereafter.

5. With the above directions the O.A. stands disposed of accordingly. No order as to costs.

  
(V. Radhakrishnan)  
Member (A)

VTC / \*AS.