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O.A.No.171/04

ORDER DATED: 23.11.2006

Applicant is the widow of late Markanda Rout, Ex-Store Watchman, CBRI (Reg.), S.E.Rly. She has approached this Tribunal with the following reliefs:

- “ (i) Direct the respondents to pay the gratuity, service gratuity with interest i.e. from the date of entitle to the date of actual payment made.
- (ii) Direct the respondents to pay the CGEGIS, Leave Salary and gratuity ask per order No. DCPO/CON/BBS/P/Settlement/Option/Casual Labourer under Annexure-A/6.
- (iii) Direct the Respondents to other financial benefits as entitled to a temporary status Gr. 'D' employee.”

Heard Mr. N.R.Routray, Ld. Counsel for the Applicant and Mr. S.K.Ojha, Ld. Standing Counsel for the Respondents.

In their counter at page 2, para 3, it was stated by the Respondents that the record of the relevant period having been destroyed, they are not in a position to give any gratuity or any other benefits. They have also maintained that the husband of the Applicant was casual labourer till his death.

By filing rejoinder to the counter dated 30.09.2005, Ld. Counsel for the Applicant submits that the claim of the Applicant has been confined only to payment of gratuity. By producing a letter bearing No. Dy.CE/C/D-

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II/BBS/E-13/06025 dated 17.08.2004 of East Coast Railways, Ld. Counsel for the Applicant states that the Applicant has been allowed payment of gratuity.

As agreed to by Ld. Counsels for both the parties, this O.A. is disposed of being infructuous.

Send copies of this order to the Respondents and free copies of this order be given to the Ld. Counsels for both the parties.

13/8/04
MEMBER (ADMN.)