

## NOTES OF THE REGISTRY

## ORDERS OF THE TRIBUNAL

Dated 26.12.04

Notice issued to  
all resp'ts.Jh  
S.O. (H)Excrpt R-1 ADs  
for order in respect  
laid.APP-Memo/complaint  
not filed.L  
4/11 Regd

Order dt. 08.11.04

Ld. Counsel box  
the applicant is present.  
ADs returned after ~~as~~  
service from R-2&3  
who are ~~are~~ absent and  
no steps taken by  
them to file counter.  
AD not yet returned from  
R-1 although notice  
was sent by Rgd. post  
on 21.09.04. Hence service  
treated sufficient on him.  
Call this matter on 17.12.04  
for appearance & filing  
of counter.

Dm  
8/11/04Order dated: 22.12.05

Non-payment of Gratuity (pertaining to  
the period of service rendered by the husband  
of the Applicant as a Casual Khalasi between  
1965 and 1981) is the subject matter of  
challenge in this Original Application, filed  
under Section 19 of the Administrative  
Tribunals Act, 1985.

The husband of the Applicant was  
engaged as a Casual Khalasi under IOW/D/JJKR  
(S.E.Railways) since 31.05.65. With effect  
from 01.01.81, the husband of the Applicant  
was granted temporary status under the  
Railways. The service of the husband of the  
Applicant was regularized by an order dated  
13.02.91 with effect from 01.02.91. By issuance  
of a Circular No. 130/2000 dated 30.06.2000,  
the Railway Board provided gratuity to the  
casual labourers for their pre-temporary  
status period with simple interest. A copy  
of the said Circular order 130/2000 dated  
30.06.2000 has been filed in this case as  
Annexure-A/5. The husband of the Applicant  
died prematurely while still in service on  
22.08.02; for which family pension benefits  
have already been extended to the Applicant.  
On 07.01.04, the Applicant submitted her  
claim for payment of gratuity in terms of  
Railway Board Circular No. 130/2000 dated

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<p>App. stenos / Counter not filed.</p> <p>1 RPM</p> <p>Order dt. 17.12.04</p> <p>Mr. N.R. Routray, Applicants Counsel is present. Mr. R.C. Rath, Sr. Counsel for the Rlys. b-les Appearance Memo today for the Respondents, and pray for time to file counter. Prayer is allowed. Time is granted till 25.01.05 for filing of counter.</p> <p>Order 17/12/04 for counter.</p> <p>1 RPM</p> <p>Order dt. 25.1.05</p> <p>Ld. Counsel for the applicant is present. At the request of Mr. R.C. Rath, Ld. S.C., adjourned to 23.2.05 for filing of counter.</p> <p>Order 25/1/05 REGISTRAR</p>	<p>30.06.2000. No heed having been paid to the said grievances/claims of the Applicant, she has filed the present Original Application.</p> <p>Despite notice, the Railways has not yet filed any Counter. However, Mr. R.C.Rath, Ld. Standing Counsel for the Railways, on whom a copy of this Original Application had already been served, was heard in the matter. On the face of the Railway Board Circular No. 130/2000 dated 30.06.2000, the deceased Railway employee was entitled to gratuity for the period he served as a Casual Khalasi prior to the date of his getting the temporary status. In the said premises, this Original Application is hereby disposed of with direction to the Respondents to pay gratuity, as due and admissible under the rules, <sup>of the husband</sup> <sub>which should be done</sub> of the Applicant/ <sup>to the Applicant,</sup> <sub>A</sub> within a period of 120 days.</p> <p>With the aforesaid observation and direction, this O.A. stands disposed of.</p> <p>Send copies of this order to the Respondents and to the Applicant in the addresses given in the Original Application. Free copies of this order be also handed-over to the Ld. Counsels appearing for both the parties.</p> <p>A copy of this order be also sent to the FA and CAO of South Eastern Railways at Garden Reach, Kolkata; who should assist the present Respondents for expeditious redressal of the grievances of the Applicant.</p> <p><i>Yours 22/1/05</i></p> <p>Member (Judicial)</p>