

DA 614/04

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Dr. 21.12.04

Notice issued to
all nspds.

Dr. 21/12/04
S.O. (5)

Except R-1 ADs.

for and the nspds
Lall.

App. Memo/counter
not filed.

L
4/11

Regd

Order dt. 08.11.04

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

Dr. 17/12/04

Order 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

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

App. memo /
Counter not filed.

15/12

Regn

Order dt. 17.12.04

Mr. N.R. Routray,
Applicants Counsel
is present. Mr. R.C.
Rath, Sr. Counsel for
the Rlys. files Appear-
ance Memo today
for the Respondents,
and prays for time
to file counter. Prayer
is allowed. Time is
granted till 25.01.05
for filing of Counter.

17/12/04

for counter.

24/11/05

Regn

Order dt. 25.1.05

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.

25/1/05
REGISTRAR

30.06.2000. No heed having been paid to the
said grievances/claims of the Applicant, she
has filed the present Original Application.

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, ^{which should be done} of the husband
of the Applicant/to the Applicant, within a
period of 120 days.

With the aforesaid observation and
direction, this O.A. stands disposed of.

Send copies of this order to the Respon-
dents 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.

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.

22/1/05
Member (Judicial)