

## Notes of the Registry

## Orders of the Tribunal

Copies of order  
Dt 23/11/04 issued  
to counsel for both  
sides.

Sh  
2/12/04

Copies of order  
with comments on  
sent to all members

Sh  
28/12/04  
(5)

the applicants in course of 25.11.2004. On receipt of the aforesaid amount in shape of IPO/BD, as directed above, Registry to confine the O.A.No.1099/04 in respect of the applicant No.1 and assign separate O.A.Nos. in respect of applicant Nos. 2 to 18 for statistical purposes. With this, M.A.926/04 is disposed of.

23/11/04  
MEMBER (JUDICIAL)

ORDER DATED 23.11.2004

Heard the learned counsel for the parties and perused the materials placed before us.

Claiming gratuity for the period of casual service rendered by the applicant Nos.1 to 13, 14, and 18 prior to getting temporary status, this Original Application under Section 19 of the A.T.Act, 1985, has been filed. Son and widows of similarly situated ex railway employees being the applicant Nos.14, 16 and 17 have also prayed for similar reliefs. It is the case of the applicants that gratuity benefits are made available to certain class of Railway employees under the Payment of Gratuity Act (Annexure-A/4 dated 26.2.1986). Such benefits were extended to casually engaged employees under Annexure-A/5 dated 30.6.2000. Under Annexure-A/7 dated 16.12.2003, this gratuity was also made available to the employees in a regular Establishment/temporary status establishment for the period they served the Railways as casual employees. By filing individual options/representations under Annexure-8 series to this O.A., the applicants have prayed for the gratuity. It appears that those options/representations were filed well before 28.2.2004. It is the case of the applicants that although more than nine months have

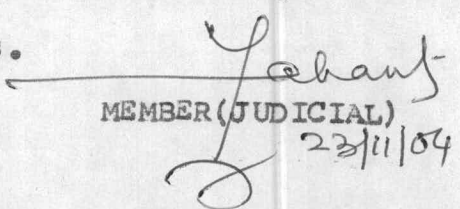
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elapsed in the meantime, their grievances (with regard to payment of gratuity) have neither been redressed nor have they received any response with reference to their options/representations.

Since a policy decision has already been taken to grant the gratuity benefits for the period of service rendered in casual establishment, prior to conferment of temporary status, (as referred to above) the Respondents should expeditiously take steps to redress the grievances of the applicants as raised in this O.A.

In the aforesaid premises, this O.A. is disposed of with direction to Respondents to take prompt steps to examine the matter and release the gratuity in favour of the applicants, as due and admissible under the rules, within a period of six months hence.

Send copies of this order, along with copies of the O.A. (with full text of the cause title) to the Respondents and free copies of this order be handed over to the counsel of both the sides.

  
MEMBER (JUDICIAL)

23/11/04