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O.A.NO.1282/2004

ORDER DATED 29.3.2006

In this O.A. the applicant has claimed to have been engaged as casual labourer under the Inspector of Works in the erstwhile S.E.Railways (now designated as East Coast Railways) in Khurda Road Division at Jatani. He has also claimed to have been engaged from 1963 till 1965 and had completed 168 days in the Railway Establishment. The applicant has claimed to have submitted a representation on 20.5.1975. Since the Respondent-authorities did not reply, he sent subsequent representations in 1978, 1979 and 2002. When the Respondent- authorities did not respond to those representations, he was therefore, constrained to file this O.A. for grant of consequential benefits as available to a casual labourer with temporary status under the Railways.

Earlier he had filed an O.A. before this Tribunal in O.A. No.262/2004, wherein the Respondent-authorities were asked to consider the applicant's grievance and pass a reasoned order. In due deference to the orders passed by this Tribunal, the Respondent-authorities closely examined the claim of the applicant, but expressed their regrets to grant any terminal benefits to the applicant. In the aforesaid circumstances he was constrained to once again approach this Tribunal in the present O.A.

The Respondents have filed their reply. They have stated that the records pertaining to the years 1963 to 1965 are not traceable. Much less ~~than admitting~~ the claim of the applicant, the Respondents have stated that he had not rendered 180 days continuous service in ^{the} ~~a~~ preceding year so that he could have made a claim for grant of temporary status. In this case, even

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after considering the applicant's certificates which show that he had completed 168 days, the same also do not confer any right upon the applicant for claiming grant of temporary status.

The applicant, as it appears, was retrenched sometimes in 1965. It is not known why he did keep quiet for all these years and approached the Tribunal only in the year 2004 against the Respondents claiming temporary status. The Original Application suffers from unexplainable and inexplicable delay. Considering the case of the applicant from any angle, I do not find that there is any merit in this case so as to issue any direction to the Respondent-authorities for grant of temporary status. Accordingly the O.A. is dismissed. No costs.

B. S. Rao
CHAIRMAN