

Order dated: 21.11.05

This O.A. has been filed by Smt. Hiramani Devi seeking following reliefs:

"To provide pension, service gratuity, death gratuity and leave salary on the basis of his service from 3.10.75 to 15.12.92."

However, from Annexure-6 to the application, I find that the applicant has placed before me a copy of order dated 26.5.2000 passed in O.A.No. 716/97 where the same applicant had approached the Tribunal with a prayer for directing the Respondents to grant her family pension. The prayer of the applicant was heard and after hearing in depth the Tribunal came to the conclusion that the deceased husband of the applicant was only a casual labourer with temporary status and that the casual labourers with temporary status are not considered 'Railway servants' as the definition of 'Railway Servant' specifically excludes casual labourers. In the circumstances, the Tribunal held that as the applicant's husband had never been in the Railway service, the applicant was not entitled to family pension and, therefore, held that the prayer of the applicant was without merit and rejected the same. However, being a casual labourer, the family of the deceased is entitled to payment of service gratuity under the 'Gratuity Act'. The Respondents are, therefore, directed to consider the case and pay the service gratuity to the widow of the deceased employee as due and admissible under the relevant

9

4 O.A. 834/05

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

rules. The same may be given to the applicant within 150 days from the date of receipt of this order. I order accordingly.

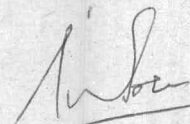
The issue of the family pension having already been decided by the Division Bench of this Tribunal in O.A.No. 716/97, the applicant is debarred from coming before this Tribunal again with the same prayer having hit by the principle of res-judicata.

Accordingly, this O.A. is disposed of at the admission stage.

A copy of this order be given to the parties.

Copies of order dt 21/11/05
issued to counsel for both
sides.

h
21/11/05


21/11
VICE-CHAIRMAN