

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 702 OF 2006
Cuttack, this the 24th Day of October, 2007

Ghana Sahu & Others Applicants

Vs.

Union of India & Others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not?
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not?


(M.R. MOHANTY)
VICE-CHAIRMAN

| No

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.702 OF 2006

Cuttack, this the 24th Day of October, 2007

CORAM:

HON'BLE SHRI M.R. MOHANTY, VICE-CHARMAN

.....

IN THE CASE OF:

1. Ghana Sahu, S/o-Lae Benu, aged about 64 years, Retired Tech/Con/RB/Engg(Con.), S.E. railway (now E.C. Railway). Chandrasekharpur, Rail Vihar, Bhubaneswar.
2. Sri Ghana, S/o-Late Kauri, aged about 67 years, retd. Gangman/Sr. Project Manager/D-II/Bhubaneswar/S.E. Railway (now E.C. Railway), Rail Vihar, Chandrasekharpur, Bhubaneswar.
3. Sri Ghana, S/o- L. Sidha, aged about 64 years, Retd. Trackman under Deputy Chief engineer/D-II/Con/S.E. Rly. (now E.C. Railway), Station Bazar, Cuttack.
4. Kangali, S/o-Late Arjun, aged about 61 years, Retd. Bridge Khalasi under Deputy Chief engineer/D-II/Con/S.E. Railway (now E.C. Railway), Station Bazar, Cuttack.
5. Damo @ Damo Sahoo, S/o-Late Murali, aged about 62 years, Retd. Bridge Khalasi under Deputy Chief Engineer/D-II/Con/S.E. Rly (now E.C. Railway). Station Bazar, Cuttack

All the applicants No.1 to 5 are resident of Vill/P.O-Marjitapur, Via-Jenapur, P.S. Dharmasala, Dist. Jajpur.

6. Panchu, S/o-Late Sapani, aged about 62 years, Retd. Bridge Khalasi under Deputy Chief Engineer/Con/E.C. Railway, rail Vihar, Chandrasekharpur, Bhubaneswar permanent resident of Village Brundadeipur, Po/Via-Jenapur, P.S. Dharmasala, Dist. Jajpur. Applicants

By the Advocate(s) Mr. N.R. Raoutray,
S. Mishra

Vs.

1. Union of India represented thorough the General Manager E.C. Railway, Chandrasekharpur, Bhubaneswar, Dist- Khurda.



2. Chief Administrative Officer, Construction, East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist. Khurda.
3. Sr. Personnel Officer (Con.), E.Co. Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist. Khurda.
4. F.A. & C.A.O.(Con.), East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar, Dist. Khurda.
5. Deputy Chief Engineer/Con/D-II, East Coast Railway, At/Po. Station Bazar, Town/Dist. Cuttack.
6. Deputy Chief Engineer/Con/East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar.

..... Respondent(s)

By the Advocate(s).....Mr D.K. Behera

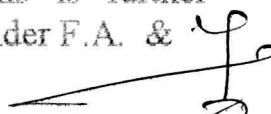
O R D E R (ORAL)

SHRI M.R. MOHANTY, VICE-CHAIRMAN

Heard Mr. N.R. Routray, Ld, Counsel for the Applicant and Mr. D.K. Behera, Ld. Counsel for the Respondents/Railways and perused the materials placed on record.

2. Claiming gratuity for the period of services rendered as Casual Labourers by the present Applicants, they have filed the present Original Application under Section 19 of the Administrative Tribunals Act, 1985, after representing to the authorities with their options.
3. By way of filing a reply, the Respondents have stated as under in Para 5 of their Counter:-

“That it is humbly submitted that in the case of present applicants also, efforts will be made for arranging payment of Gratuity but this is further dependant on availability of post records under F.A. &

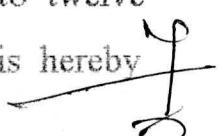


CAO (Con)/S.E. Railway/Garden Reach, availability of original casual service book in the service sheets of the applicants concerned and vetting of the casual working period either by the FA & CAO (Con)/CRC or FA & CAO(Con)/ECOR/BBS and thus it may take six months to 1 (one) year time.”

4. Apprehending that it may take longer time to verify the old papers pertaining to the Applicants, the Respondents have sought six to twelve months time to redress the grievances of the Applicants pertaining to their claim of gratuity for the period they served in the Railways as Casual Labourer, prior to conformation of temporary status of them.

5. Presently, the Applicants have retired from Railway Services, after being absorbed in the regular establishment, following to their temporary status. The Applicants have placed on record materials (of the years 2002/1997/2003/2004 under Annexure A/6 series with the present Original Application) in support of their services with the Railways and also the orders under Annexure A/2 dated 16.07.02 of the DE (Reg.) S.E. Railway, Cuttack to substantiate their case.

6. Since the Respondents have not disputed the claims of the Applicant and only have sought some time (six to twelve months) to finalise the matter; this Original Application is hereby



disposed of with a direction to the Respondents to expedite the matter relating to the claim of gratuity, as due and admissible under Rules, by end of March 2008; notwithstanding the facts that they submitted their opinions under Annexure A/6 series at a late stage.

7. With the aforesaid observations and directions this O.A. is allowed. No costs. A. S.

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(M.R. MOHANTY)
VICE-CHAIRMAN