

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

*Counsel/
Consolidated Petition
not filed,*

Bund

16/12/04

Since the Id.Counsel for the Respondents has already taken notice of this O.A. earlier, we would direct him to file counter by 30.11.04 and the matter be listed on 17.12.04 for further orders.

Kulom
Vice-chairman

Order dated 17.12.2004

Heard Shri P.K.Tripathy, learned counsel for the applicant and Shri C.R.Mishra, learned Addl.Standing Counsel appearing on behalf of the Respondents.

In this O.A. the applicant has putforth a complaint that her husband late Sanat Biswal died while working as casual labourer under the Respondents-Organisation, but she has not been given the benefit of family pension and other death-cum-retiral dues.

The Respondents-Railways have filed their counter opposing the prayer of the applicant. Relying on the decision of the Hon'ble Apex Court, **in the case of** Ram Kumar & Ors. vs. Union of India & Ors. reported in 1988 (2) SCR 138, they have submitted that no retiral benefit is available to casual labour and therefore, the O.A. being devoid of merit is liable to be dismissed.

I have considered the rival submissions advanced at the Bar. It is not in dispute that the status of the husband of the applicant was that of a casual labourer

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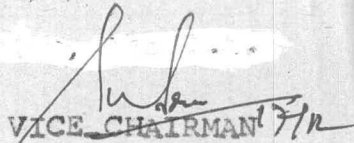
Copy of order of 17/12/04
issued to the Counsel
for both side.

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the It well settled principle of law that pension is not payable to casual labour. In the circumstances, I have no option but to reject this O.A. Ordered accordingly.

However, liberty is granted to the applicant to ventilate her grievance for appointment of one of the wards of the deceased casual labourer under the scheme of compassionate appointment operated by the Respondents- Department for casual workers.


VICE CHAIRMAN