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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

OA No. 264 of 2013
Cuttack, this the 3rd day of May, 2013

CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)
HON'BLE MR.R.C.MISRA, MEMBER (ADMN.)

Hari Swain,
Aged about 63 years,
S/o.Late Kangali,
Retd. Khalasi Helper,
Engineer/Construction,
ECRly,Bhubaneswar,
Dist.Khurda,
Vill. Sathuapatna,
Po.Marjitarpur,
Via/Ps.Jenapur,
Dist.Jajpur.

....Applicant

(Advocate(s): M/s.N.R.Routray, T.K.Choudhury, S.N.Parida)

VERSUS

Union of India Represented through

1. General Manager,
East Coast Railway,
ECoR Sadan,
Chandrasekharpur,
Bhubaneswar,

Alex

Dist. Khurda.

2. Senior Personnel Officer/Con/Coordination,
East Coast Railway,
Rail Vihar,
Chandrasekharpur,
Bhubaneswar,
Dist. Khurda.
3. Deputy Chief Engineer/Con/East Coast Railway,
Khurda Road,
At.Qr.No.55/G,
Rail Vihar,
Chandrasekharpur,
Bhubaneswar,
Dist.Khurda.
4. FA & CAO/Con./e.c.Railway,
Rail Vihar,
Chandrasekharpur,
Bhubaneswar,
Dist.Khurda.

.... Respondents

(Advocate(s) – Mr.T.Rath)

O R D E R

(Oral)

A.K.PATNAIK, MEMBER (I):

The case of the Applicant, in nut shell, is that he was initially engaged as Khalasi on casual basis under IWI/Con/Gorakhnath on 6.3.1970 and continued till 13.2.1974.



Again he was re-engaged on 14.2.1974 and while continuing as such he was brought over to regular establishment w.e.f. 1.2.1992 and on reaching the age of superannuation, he retired from Railway Service w.e.f. 28.2.2011. According to him, as per the RBE No. 130/2000, he had submitted option on 24.7.2012 enclosing thereto copy of records in support of his continuance on casual basis for getting the gratuity. But till date he has not been paid the benefit as per RBE No. 130/2000 whereas similarly persons who had approached this Tribunal had only been paid the benefits. Hence by filing the instant OA the applicant has prayed to direct the Respondents to pay the gratuity with simple interest from the date of entitlement to the date of actual payment as per RBE No. 130 of 2000 dated 30.06.2000.

2. Mr.N.R.Routray, Learned Counsel for the Applicant by placing reliance on the RBE has reiterated the stand taken in the OA. Mr. T.Rath, Learned Standing Counsel appearing for the Railway-Respondents has fairly submitted that he has no



instruction as to why the benefit, if the applicant is entitled to under RBE has not been paid till date if he has submitted his option and, therefore, seeks some time to obtain instruction and apprise this Tribunal of the latest position. But we do not find any ground to keep this matter pending especially when the prayer of the applicant is that his case is to be considered by the Railway-Respondents as per RBE No. 130/2000 based on which the option exercised by him on 24.7.2012 at Annexure-A/4.

3. We have considered the rival submission of the parties and perused the records.
4. In view of the above, without expressing any opinion on the merit of the matter, we dispose of this OA, at this stage, with direction to Respondent No.2 to take a decision on option exercised by the Applicant at Annexure-A/4 as per the provision of the RBE No. 130/2000 within a period of 60(sixty) days from the date of receipt of copy of this order and, if it is found that the applicant is entitled to gratuity then the same should be calculated



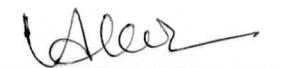
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and paid to him within another period of 60(sixty) days from the date decision so reached by the Respondent No.2. The decision so reached should be communicated to the applicant in a reasoned order ~~within~~ soon after the decision is reached, as ordered above. MA No.262 of 2013 also stands disposed of.

5. On the prayer of the Learned Counsel for the Applicant, registry is directed to send copy of this order along with OA to Respondent No.2 at his cost for which Learned Counsel for the Applicant undertakes to furnish the required postal requisites within two days.



(R.C.MISRA)
Member(Admn.)



(A.K.PATNAIK)
Member (Judl.)