

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.514/2004.

Monday this the 12th day of July 2004.

CORAM:

HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

K.U.Shanmugan, residing at:
Kavungal Parambil, Ponekkara Peeliad,
Elamakkara P.O., Ernakulam,
last employed as Colony Gang Man
in the office of Inspector of Works,
Southern Railway, Kollam. Applicant

(By Advocate Shri Asok M Cherian)

Vs.

1. The Union of India, represented by -
the Secretary to the
Ministry of Railways,
New Delhi.
2. The Divisional Railway Manager,
Southern Railway,
Thiruvananthapuram. Respondents

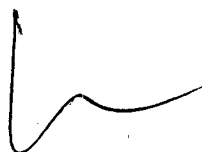
(By Advocate Shri P.Haridas)

The application having been heard on 12.7.2004,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.KV.SACHIDANANDAN, JUDICIAL MEMBER

The applicant who was engaged as Casual labourer under the Inspector of Works, Southern Railway, Ernakulam claims that he acquired temporary status after 8 years of casual service and empaneled to the regular establishment of the Railway as a Gangman. After working for 4 years in the regular establishment of the Railways became invalid due to paralysis and he could not attend the duties. He continued in the rolls of the Railway till he attained 60 years of age on 11.8.2003 and he attained the age of superannuation on that date. He claims that he is entitled to receive the amount due to him from the Provident Fund to which he



has contributed during his tenure in the Railway after attaining temporary status and he is also entitled to get gratuity for the period he worked as regular employee. This was not granted to him. He made a representation dated 5.1.2004(A1) to the 2nd respondent which is not yet disposed of. Aggrieved by the inaction on the part of the respondents the applicant has filed this O.A. seeking the following reliefs:

- i. To declare that applicant is entitled to get his retirement benefits due to him from the Provident Fund as well as by way of Gratuity, on his attaining the age of superannuation on 11.8.2003.
 - ii. To direct the respondents to pay the applicant his retirement benefits due to him from the Provident Fund as well as by way of Gratuity, forthwith.
2. When the matter came up for hearing Shri Asok M Cherian, learned counsel appeared for the applicant and Shri P.Haridas appeared for the respondents.
 3. Learned counsel for applicant submitted that the applicant would be satisfied if a limited direction is given to the 2nd respondent to consider and dispose of A-1 representation within a time frame.
 4. Learned counsel for the respondents submitted that he has no objection in adopting such a course of action.
 5. In the interests of justice, this Court directs the 2nd respondent to consider and dispose of A-1 representation dated 5.1.04 within a time frame of three months from the date of receipt of a copy of this order. The applicant is also directed to forward a copy of this order and a copy of A-1 representation to the 2nd respondent to avoid any further delay.

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6. O.A. is disposed of with the above observations. In the circumstance, no order as to costs.

Dated the 12th July 2004.

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a horizontal line.

K.V.SACHIDANANDAN
JUDICIAL MEMBER

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