

FINAL ORDER
27.4.1989

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DATED THURSDAY THE TWENTY SEVENTH DAY OF APRIL
ONE THOUSAND NINE HUNDRED AND EIGHTY NINE

PRESENT

HON'BLE SHRI G. SREEDHARAN NAIR, JUDICIAL MEMBER

&

HON'BLE SHRI N. V. KRISHNAN, ADMINISTRATIVE MEMBER

O.A. 175/86

N. K. Sreedharan Pillai

Applicant

Vs.

)

1. The Executive Engineer
(Construction) Southern Railway,
Trivandrum and

2. The Chief Engineer (Construction)
Southern Railway, Egmore, Madras

Respondents

Mr. K. Ramakumar

Counsel for the
applicant

Smt. Sumathi Dandapani

Counsel for the
respondents

O R D E R

Hon'ble Shri G. Sreedharan Nair

The applicant who alleges to have served the Southern Railway for a period of thirty one years prays for retirement benefits, on the ground that he has been allowed only a sum of Rs. 1650/- towards gratuity.

2. The claim is resisted by the respondents who have filed ~~the~~ reply wherein it is contended that the applicant did not have the prescribed qualifying service for pensionary benefits and that the Service gratuity that

he is entitled to has actually been disbursed.

3. Though the applicant had thirty one years of service, it is not disputed that he had only nine years and ten months of regular service. According to the Pension Rules, a minimum of ten years service is required for earning pension. However, an employee in the position of the applicant is entitled to gratuity calculated at the rate of half a month's emoluments for every six months period of qualifying service. The amount due to the applicant on that account has admittedly been paid. As such, the relief claimed by the applicant for a direction to the respondents to grant retirement benefits ~~to the applicant~~ cannot be allowed.

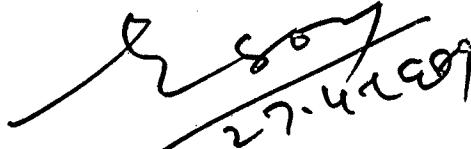
4. The counsel for the applicant invited our attention to the decision of the High Court of Kerala in O.P. No. 4543 of 1976 wherein the claim for gratuity urged by a Railway employee under the payment of Gratuity Act was directed to be considered in case he files a proper application under the payment of Gratuity Rules. It is seen that on appeal, a Division bench of the High Court modified the said Judgement restricting it to the gratuity in respect of the period of service put in by the petitioner as casual labourer. Since there is no such claim under the payment of Gratuity Act or the Rules thereunder in the instant case, and the applicant

has no case that he had filed any application under the said Rules, the judgement is of no assistance to the applicant.

5. We dismiss the application.



7/4/89
(N. V. Krishnan)
Administrative Member
27.4.1989



27.4.1989
(G. Sreedharan Nair)
Judicial Member
27.4.1989

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