

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

ORIGINAL APPLICATION NO:200/2007.
DATED TUESDAY THIS THE 27TH DAY OF MARCH, 2007.

CORAM:HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

T.M.Cherian
Retired Senior Trackman,
Mavelikara Southern Railway,
Residing at Thandapra Peedikayil,
Arattupuzha P.O., Chengannur.
Pathanamthitta Dist. Applicant

By Advocate Mr. M.P. Varkey

185

1 Union of India,
represented by General Manager,
Southern Railway,
Chennai – 600 003.

2 Senior Divisional Personnel Officer,
Southern Railway,
Trivandrum – 695 014. ... Respondents

By Advocate Mr.Sunil Jose

The application having been heard on 27.3.2007 the Tribunal delivered the following on the same day:

Hon'ble Mrs. Sathi Nair, Vice Chairman

(ORDER)

The applicant retired as a Senior Trackman on 31/5/2006. His full service from 1993 to 2006 was counted for qualifying service and half of the service from 1989 to 1993 was also counted as qualifying service for pension. While pension has been granted, no gratuity for the period 1975 to 1989 under the Gratuity Act has paid. The applicant has submitted that R.B.E.No.130/2000 dated 30/6/2000 para-6 stipulates the following:-

"The Railways shall suo moto take steps to examine all the past cases on the basis of records available and settle the claims accordingly. For this purpose, all the claimants may be suitably addressed on the basis of particulars available with the Railways, so that the claimants or their legal heirs can claim the payment without delay. The Railway Administration shall extend all assistance to the retired as well as the serving Railway servants to exercise the option judiciously in order that the option exercised is advantageous to them. A compliance report may be sent to Board's office by 30/9/2000 duly indicated the total number of claims received, the number of claims settled and the reasons for delay in settlement."

2 The applicant has not been asked to give any option and he had submitted a representation vide Annexure A-7 dated 10/6/2006 which has also not been taken into consideration.

3 Learned counsel for applicant submitted that he will be satisfied if the respondents are directed to consider his request in Annexure A-7 in the light of the aforesaid order dated 30/6/2000. Accordingly, the application is disposed of at the admission stage directing the second respondent to consider the representation of the applicant in accordance with the R.B.E. No.130/2000 and to render all assistance to the retired Railway servant to exercise his option judiciously so that the option exercised is advantageous to him and gratuity can be sanctioned. This exercise shall be completed within a period of three months from the date of receipt of copy of this order. There will be no order as to costs.

Sathi Nair
SATHI NAIR
VICE CHAIRMAN

abp