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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 647/2002

This the 1st day of May, 2003

HON'BLE SH. KULDIP SINGH, MEMBER (J)

Smt. Vilasini
Widow of Late Sh. U.Parmeswari
Working as Carriage Cleaner
in the office of C&W
SSE, New Delhi Railway Station
New Delhi.

...Applicant

(By Advocate: Sh. S.M.Garg)

Versus

1. Union of India
through its Secretary
Ministry of Railways
Rail Bhawan, New Delhi.
2. The Divisional Rail Manager
Northern Railway, DRM Office
Baroda House, New Delhi.
3. The Divisional Personnel Officer
Northern Railway, DRM Office
Baroda House, New Delhi.

...Respondents

(By Advocate: Sh. R.P.Agarwal)

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Husband of the applicant had been appointed as a casual labour on 1.12.1980 as Safaiwala in the Carrier and Wagon department of the Northern Railway and he worked upto June 1985. His services were terminated. He filed a case before the Court of Sub Judge for restraining respondents from terminating the services which was decreed and husband of applicant was taken back on service with full back wages from the date of removal.

2. However, husband of the applicant expired after rendering the service of nearly 12 years. Applicant claims that after the death of her husband she and her children are entitled for family pension. However, respondents have denied the claim of the applicant on the plea that service rendered as casual

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labour does not count for qualifying service. The deceased being a casual labour and not appointed on regular basis till his death, his family is not entitled to family pension.

3. The case is fully covered by judgment given by this Tribunal in OA-2587/2001 Prakash Chand vs. Union of India and also relied on OA-648/2002 Amasi vs. Union of India as well as OA-1437/98 Jagwati vs. Union of India wherein it has been held that casual worker who had not been regularised till his death, his family is not entitled for family pension.

4. In view of the same, OA has no merits and the same is dismissed.



(KULDIP SINGH)
Member (J)

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