

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK,**

ORDER SHEET

No. Of Adjournment : 12

COURT NO. : 1

28.02.2020

O.A./260/443/2017

S NAG
-V/S-
M/O RAILWAYS

ITEM NO:17

FOR APPLICANTS(S) Adv. : Mr. D. K. Mohanty

FOR RESPONDENTS(S) Adv.: Mr. S. K. Ojha

Notes of The Registry	Order of The Tribunal
	<p>Heard Learned Counsel for the applicant who submitted that the applicant's husband had initially worked under the respondents from 24.08.1969 as stated in para 4.5 of the OA and he expired on 05.10.1994 while working as TPCL, Chowkidar. He was conferred temporary status on 24.04.1991. After his death, the applicant submitted a representation for sanction of family pension and when no action was taken, OA No. 830/15 was filed by him, which was disposed of with direction to the respondents to dispose of the applicant's representation. Accordingly, the applicant's representation has been rejected by the respondents vide order dated 14.01.2016(Annexure-A/7). It was further submitted that as stated in OA, the applicant's case is covered under the judgment in the case of Ram Saran Vs Union of India before Principal Bench of the Tribunal(Copy at Annexure-A/8) and the applicant is entitled for similar relief as allowed in above case.</p> <p>Heard Learned counsel for the respondents who submitted that as explained in the counter, the applicant's husband expired while working as TPCL, Chowkidar. He was engaged as a casual Khalasi on 28.04.1990 earlier and was engaged since 1969 for project work. He was conferred temporary status on 29.04.1991. The applicant's husband expired before regularization and since he never worked as a regular employee or an employee under pensionable establishment, no family pension is payable. He also raised the issue of delay on the applicant's part in raising the claim of family pension as averred in the counter.</p> <p>With regard to above submissions by both the sides, it is noticed that the respondents' averment that the services of the applicant's husband were not regularized before his death, has not been contradicted by the applicant. No document has been filed by the applicant to show that her husband's services were regularized or he</p>

was working in pensionable establishment at the time of his death on 5.10.1994. As stated in paragraph 8 of the counter, the respondents have allowed the benefit of compassionate appointment to the family considering their distressed condition. The applicant has cited the judgment of the Principal Bench of the Tribunal in the case of Ram Saran(supra), copy of which has been enclosed at Annexure-A/8. It is seen that the applicant in Ram Saran's case was regularized while in his service and dispute pertained to qualifying service. Hence, the cited judgment is factually distinguishable.

In the circumstances, there is no justification to call for any interference of this Tribunal in the matter. OA is accordingly dismissed. There will be no order as to cost.

Copy of this order be given to Ld. Counsels for both the sides.

(GOKUL CHANDRA PATI)
MEMBER (A)

pms