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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 1437/98

New Delhi, this the 15th day of October, 2001

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

In the matter of :

Smt. Jagwati,
W/o Late Shri Ganga Saran,
R/o Mandoli, Bank Colony,
80 Gaj, Shahdara,
New Delhi.

...Applicant

(By Advocate: Sh. U.Srivastava)

Versus

1. Union of India through
The General Manager,
Northern Railway,
Baroda House,
New Delhi.

2. The Divisional Railway Manager,
Estate Entry Road,
Northern Railway,
New Delhi.

3. The Senior Divisional Personnel Officer,
D.R.M. Office,
Estate Entry Road (Northern Railway)
New Delhi.

...Respondents

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

O R D E R (ORAL)

By Sh. Kuldip Singh, Member (J)

The applicant has filed this OA under Section 19 of the AT Act 1985 whereby the applicant has challenged the action of the respondents as respondents have not been considering and finalising the case of the applicant for grant of family pension and other dues and also for the appointment on compassionate grounds.

2. The facts given rise to this case are that the husband of the applicant late Sh.Ganga Saran was working with the respondents as a casual labour. The applicant claims that he was regularised in his services by respondents letter dated 19.3.1980. While in service the husband of the applicant has

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expired. Applicant thereafter made representation for finalising his case but no orders has been passed. The applicant claims that she is entitled to the pension and for this purpose the applicant has also relied upon the judgment reported in 1996 (1) SLJ 116 titled as Ram Kumar & others vs. union of India and submitted that the applicant is entitled for family pension. In reply to this the respondents submitted that the applicant has not been regularised though the respondents says that Sh. Ganga Saran was screened and are placed on merit No. 100 of the letter dated 19.3.80 but was never absorbed under any vacancy and he could not be absorbed in class IV due to his untimely death. Respondents further submitted that unless a casual employee is regularly absorbed he does not become entitled for pension.

3. Heard the learned counsel for the parties and perused the material on reocrd.

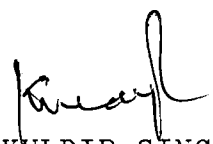
4. Learned counsel for the respondents has relied upon the judgment reported in (1997) 6 SCC 580 Union of India & others vs. Rabia Bikaner & others wherein it has been held that causal employee with temporary status but not yet appointed to a temporary post in Railways is not entitled to family pension.

5. Though the learned counsel for the applicant referred to a judgment Ram Kumar Vs. Union of India and on the basis of this the applicant claims that the applicant is entitled for family pension but on perusal of the judgment Rabia Bikaner (supra) I find that case of Ram Kumar has been discussed in this case and the Court while rejecting the case of family pension specifically observed that casual labourers will be brought on to the pensionable establishment only on their

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absorption against regular temporary posts, it follows that they will come under the purview of the scheme from the date of their absorption against the regular temporary posts. In other words, the benefits of the Family Pension Scheme, 1964 for railway employees will be admissible in the case of death of such an employee while in service only if he had completed a minimum period of one year's continuous service from the date he was absorbed against a regular temporary post otherwise the family of the deceased employee is not entitled for family pension.

6. In this case the facts show that though the applicant was screened for regular appointment to a regular temporary post but the respondents have categorically stated that after the applicant screened for the said post he could not be absorbed due to his untimely death. This fact is not controverted by the applicant in his rejoinder. Since the applicant has not been given a regular temporary post or have been absorbed to a regular temporary post so I find that law as laid down in the judgment Union of India vs. Rabia Bikaner & others applies fully in this case. I find that applicant is not entitled for family pension. OA is dismissed. No costs.


(KULDIP SINGH)
Member (J)

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