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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

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O.A. No. 1923 of 1994
M.A. No. 3283 of 1994

Dated New Delhi, this 31st day of August, 1995

Hon'ble Shri K. Muthukumar, Member(A)

1. Smt: Vidyawati
W/o Late Sher Singh

2. Shri Bhim Singh, brother of
Late Sher Singh
R/o Village Bhanwadi Post Bidwana
Dist. Rewari
HARYANA.

By Advocate: Shri V. P. Sharma

versus

... Applicants

1. Union of India, through
General Manager
Western Railway
Churchgate
BOMBAY.

2. The Divisional Railway Manager
Western Railway
JAIPUR

3: The Assistant Engineer
Western Railway
Bandikui
RAJASTHAN

By Advocate: Shri Romesh Gautam

... Respondents

O R D E R (Oral)

Shri K. Muthukumar

As the pleadings are complete in this case and it is a short matter, the case is disposed of finally.

MA.3283/94 in OA.1923/94 is for joining of the applicants, i.e. widow and brother of the deceased government employee in single application, is allowed as they have common cause of action. The MA is disposed of accordingly.

In the original application, the applicants have prayed that respondents be directed to consider Applicant No.2 for appointment on compassionate grounds. The respondents in

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their reply have stated that no consideration has been given for compassionate appointment as Applicant No.2 has not made any application to the respondents and if he had made any application for compassionate appointment, his claim would have been duly considered. In view of this, the Applicant No.2 may file an application to the respondents for appointment on consideration of his case for compassionate ground and the respondents shall consider the application in accordance with law.

As far as the other relief is concerned, it is prayed that Applicant No.1 may be granted family pension consequent on the death of her husband. The respondents have denied in their reply that the deceased employee had not completed requisite years of qualifying service with the respondents to make the widow eligible for family pension. In the rejoinder, the applicants have produced a Seniority List of the respondents circulated by the Western Railway dated 14.9.90 (Annexure A-13) in which the name of the deceased employee figures at Sl.No.212 Sher Singh Laxman and, as per this list, his date of appointment is indicated as 30.9.82 in the post of Gangman. The deceased employee, i.e. the husband of Applicant No.1 died on 21.1.94, which is an admitted fact.

The learned counsel for the respondents, therefore, pointed out that the respondents would be willing to consider grant of family pension in the light of the fact that the deceased employee was appointed on 30.9.82 and the deceased employee has the requisite years of qualifying service for grant of

family pension to the widow. However, he states that since the fact is denied in the counter, he would have to have this verified again.

It is evident from the record that the deceased employee had more than ten years of service with the respondents at the time of his death. The learned counsel for the applicants has referred to Family Pension Scheme for Railway Employees, 1964 which provides that family pension will be applicable in case ^{of} death of a Railway servant while in service on completion of a minimum period of one year's service and the same provision have been extended to rule 18 of the Railway Services (Pension) Rules, 1993.

The learned counsel for the applicants has also referred to a judgement in case of Smt. Nehni Bani Vs UOI & Ors. reported in 1994(3)SLJ 523(CAT-Jaipur) in which it is held that the members of the deceased employee will be applicable for family pension if the deceased employee have completed a minimum period of one year of service.

In view of the above, the respondents are, therefore, directed to issue appropriate orders for grant of family pension after verification of the date given in the document by the applicants in the rejoinder within a period of three months from the date of issue of this order if Applicant No.1 is found eligible for grant of family pension.

The O.A. is disposed of with the above directions ^{but} without any order as to costs.


(K. Muthukumar)
Member(A)

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