

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 14TH DAY OF FEBRUARY, 2002

Review Application No.39 of 2001

In

Original Application No.1490 of 2000

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

Smt.Sushila Singh, a/a 41 years
Widow of late Shri Ram Raja Singh
R/O 48 Kailash mandir
Nagra, Jhansi.

... Applicant

(By Adv: Shri R.K.Nigam)

Versus

1. Union of India through
General Manager, Central
Railway, Mumbai CST
2. Divisional Railway manager,
Central Railway, Jhansi.

... Respondents

(By Adv: Shri Anil kumar)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

This application u/s 19 of A.T.Act 1985 has been filed for review of the order dated 10.1.2001 passed in OA 1490/2000. The submission of the counsel for the applicant is that husband of the applicant late Shri Ram Raja Singh was appointed casual labour and he had acquired temporary status on 6.3.1985. He died on 15.4.1995. It is submitted that the employee had acquired temporary status, the applicant is entitled for family pension. Reliance has been placed in the judgment of Hon'ble Supreme court in 'Prabhawati Devi Vs.Union of India and Others, (1996) 1 U.P.L.B.E.C,pg-40.

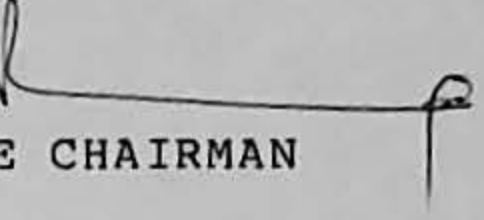
Shri Anil Kumar learned counsel appearing for the respondents on the other hand, submitted that Hon'ble Supreme court in a subsequent judgment in case of Union of India Vs. Rabia Bikaner, AIR 1977 S.C-2483 has considered the aspect of the case and after noticing the judgment in 'Prabhawati Devi Vs Union of India's case(Supra) held that the widow of casual labour acquiring temporary status and who had not been regularised in any grade, no retiral benefits can be granted and the widow is not entitled for family pension. Similar view was taken by the Apex court in case of 'Union of India and Others Vs. Sukanti and another, 1997(5) Scale-494. The different benches of this Tribunal have also taken the similar view. Mumbai Bench (Camp at Nagpur) in case of 'Smt.Kautakabain Bhimrao Choukidar Vs. Union of India & Ors', 1992(2) ATJ-27 has held that husband of the applicant died without being absorbed in regular post, hence she is not entitled for family pension. Similar view has been taken by Hyderabad Bench in case of 'Smt.Rasapalli Kumaramma Vs.Union of India and Ors', 2001(3) ATJ 347. In this case both case of Prabhawati devi and Rabia Bikaner's case have been noticed. The Kolkata Bench of this Tribunal in 'Sachi Mahto Vs.Union of India and Ors', 2001(2) ATJ-198 also has held that the casual labour in Railway who has attained the temporary status but not regularised on any post is not eligible for pension/family pension.

From the aforesaid, it is clear that Hon'ble Supreme Court as well as different Benches of this Tribunal have held that the casual labour with temporary status if has not been regularised on any post, his widow cannot claim family pension.

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In the circumstances, the order under review does not suffer from any error apparent on the face of record. The review application has no merit and is accordingly rejected. No order as to costs.


VICE CHAIRMAN

Dated: 14th February, 2002

Uv/