

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 125 of 1999

Allahabad this the 03rd day of January, 2001

Hon'ble Mr.S.K.I. Naqvi, Member (J)

1. Smt.Rama Devi W/o Late Shri Mangal Singh
2. Munesh Kumar S/o Late Shri Mangal Singh
Both R/o Vill. Ahata Anek Singh, Line Par
Post - Tundla, District - Tundla.

Applicants

By Advocates Shri C.P. Gupta
Shri Anand Kumar

Versus

1. General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Nawab Yusuf Road, Allahabad.
3. Secretary, Railway Board, Rail Bhawan, New Delhi.
4. Divisional Engineer, N.Rly., Etawah.

Respondents

By Advocate Shri Avnish Tripathi

O R D E R (Oral)

By Hon'ble Mr.S.K.I. Naqvi, Member 'J'

The applicants-Smt.R. Devi and Munesh Kumar - widow and son of Late Shri Mangal Singh respectively have come up seeking relief to the effect that the respondents may be directed to grant family pension to applicant no. 1 and appoint applicant no.2 on compassionate ground of death in

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harness of Shri Mangal Singh, who is said to have died on 02.10.1972 while in the service of respondents.

2. The case has been contested on behalf of the respondents, who have filed their counter-reply mainly on the ground that Smt. Rama Devi has already been given employment as Waiting Room Aaya, therefore, no case remains for compassionate appointment of any other dependent of deceased Mangal Singh. On the point of family pension, it has been contended that Late Shri Mangal Singh died as substitute, therefore, no family pension is admissible to his widow as per rules.

3. Heard Shri C.P. Gupta, learned counsel for the applicant and Shri Avnish Tripathi, learned counsel for the respondents and perused the record.

4. It is not in dispute that now Smt. Rama Devi is working as Waiting Room Aaya under Respondent establishment and, therefore, no compassionate appointment can be made available to other dependent of deceased employee, therefore, I do not find any force in the claim for compassionate appointment.

5. On the point of family pension, learned counsel for the respondents has relied on 'Prabhawati Devi Vs. Union of India and Others (1996) 32 A.T.C. 515' in which their Lordships at Apex Court of India have held as under;

"On the acquisition of temporary status, derived in the manner stated above, it is difficult to sustain the orders of the Tribunal and to deny

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family pension to the widow and children of the deceased. See in this connection for support L. Robert D'Souza Vs. Executive Engineer S.Rly. and Union of India V. Basant Lal. We have put the proposition to the learned counsel appearing for the Railways but he is unable to support the orders of the Tribunal; overlooking as it does the chain in consequence, making the deceased acquire a temporary status and on his widow and children acquiring the right to claim family pension."

and thereby the family pension was ordered to be provided to widow and children of deceased casual labour with temporary status.

6. For the above, the O.A. is decided as under;

"The claim for compassionate appointment is declined. Regarding family pension, the respondents are directed to re-open the matter and consider the case of applicant no.1 for providing her family pension in the light of ^{And Subject to rules in this regard} above observations. The matter be decided within 3 months from the date of communication of this order by the applicant."

7. There will be no order as to costs.

S. C. M. M.
Member (J)

/M.M./