

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

REVIEW APPLICATION NO.43 OF 2003

IN

ORIGINAL APPLICATION NO.1299 OF 2000

Allahabad this the 4 th day of August, 2004

HON'BLE MRS. MEERA CHHIBBER, Member-J

Smt. Gyan Devi, widow of Late Ram Nath,

Will. Basenpur, P.O. Shuklapur,

District-Allahabad.

.....Applicant

(By Advocate Shri S.S. Sharma)

Versus

1. Union of India,
through the General Manager,
North Central Railway,
Head Quarters Office, Allahabad.

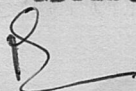
2. The Divisional Railway Manager,
North Central Railway,
D.R.M. Office, Allahabad.

.....Respondents

(By Advocate Shri A.K. Gaur)


_O_R_D_E_R_

Applicant has filed review application against the order dated 18.12.2002 whereby the reliefs sought by the applicant were rejected on the basis of judgment given by Hon'ble Supreme Court in the case of Rabia Bikaner. Applicant has filed the review application on the ground that on 12.7.2002 Railway Board had already issued a circular that such of the casual labours who died without regularity



sation, but after the screening was done, ^{they} should be deemed to have been regularised in case the panel is not given effect to, due to the administrative reasons. This circular, applicant could not place on record earlier as he was not aware about it. Since this circular goes to the route of the matter for grant of family pension and other benefits to the widow of the casual labour who had already been screened, but not yet regularised ⁹⁸ ~~and~~ had issued notice to the respondents in the review application.

2. Respondents have ~~now~~ filed their reply opposing the review application on the ground that there is no error apparent on the face of the record, therefore, no case of review has been made out. But in the same reply, they have stated that applicant had already ^{been} paid gratuity ~~to the~~ amount of Rs.5085/- under payment of Gratuity Act, 1972 and in terms of instructions issued by the General Manager dated 03.07.2002 circulated by the Divisional Railway Manager wide its policy order dated 12.07.2002, the services of Late Ram Nath have been deemed to have been regularised on the date of his death wide notice dated 23.7.2003. They have further stated that Railway Administration had already passed orders for authorization of family pension in favour of the applicant. They have however, clarified that applicant is not entitled for leave encashment on the ground that in the leave account of the deceased employee, LAP has been shown to be 'nil'. They have thus, submitted that the review application may be dismissed.



3. I have heard both the counsel and perused the pleadings as well.

4. In view of the fact that respondents have already granted the reliefs as claimed by her in the O.A. purported to be under the instructions dated 3.7.2002 issued by the General Manager. This review application, has become infructuous, therefore, no further orders need to be passed in the review application. However, counsel for the applicant submitted that applicant has been given family pension only w.e.f. April 2004 whereas her husband had died on 7.6.1992 and his services have been regularised vide notice dated 23.07.2003, therefore, she should be given the pension from an earlier date.

5. Now that, respondents have already granted the family pension to the applicant, if she is aggrieved by the orders passed by the respondents or the fact that it should be given to her ^{from B} in an earlier date, it would be open to the applicant to give a representation to the authorities concerned, within a period of one month from the date of receipt of a copy of this order. In case, she gives such a representation, the same shall be decided by the authorities in accordance with the instructions and rules on the subject by passing a reasoned order under intimation to the applicant within a period of three months thereafter.

6. With the above direction, The Review application is disposed off.



Member-J