

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
AHMEDABAD BENCH

**O.A. NO/11/92**

**T.A. NO.**

DATE OF DECISION 24-11-95

<u>Smt. Kamiben Limba &amp; ors.</u>	Petitioner
<u>Mr. B. B. Gogia</u>	Advocate for the Petitioner (s)
Versus	
<u>Union of India &amp; ors.</u>	Respondent
<u>Mr. N. S. Shevde</u>	Advocate for the Respondent (s)

**CORAM**

The Hon'ble Mr. V. Radhakrishnan

Member (A)

The Hon'ble Mr.

**JUDGMENT**

1. Whether Reporters of Local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

no

1. Smt.Kamiben Limba  
wife & legal heir of deceased  
Shri Gokal Jawla, Ex Gangman  
expired while working under  
Chief Permanent Way Inspector,  
BRCP, W.Rly., Baroda.
2. Shri Savesingh Gokal,  
Minor son aged about 14 yrs.  
represented by Smt.Kamiben Limba,  
mother & natural guardian
3. Shri Abhesingh Gokal  
minor son aged about 10 yrs.  
represented by Smt.Kamiben Limba,  
mother & natural guardian
4. Kum.Bina Gokal  
minor daughter aged about 8 yrs.  
represented by Smt.Kamiben Limba,  
mother & natural guardian

add : at Itolo,  
Railway Station,  
W.Rly., Baroda.

Applicants

Advocate Mr.B.B.Gogia

versus

1. Union of India, Through :  
General Manager,  
W.Rly., Churchgate,  
Bombay-400 020.
2. Divisional Railway Manager,  
W.Rly., Baroda Division,  
Pratapnagar, Baroda.

Respondents

Advocate Mr.N.S.Shevde


O R A L O R D E R

O.A.No.11/92

Date: 24-11-1995


Per Hon'ble Mr.V.Radhakrishnan

Member (A)

The applicants are legal heirs of  
Shri Gokal Jawla, who was working as Gangman in the  
department of the Railways in Baroda Division and who  
expired on 7-12-1988. The contention of the applicants  
is that Shri Gokal Jawla was working continuously with

the Respondents from 1977 upto 7-12-1988 i.e. the date on which he died. He was eligible for temporary status after he had completed 120 days but he was granted temporary status only on 15-1-1985. Had he been granted temporary status at the appropriate time after his initial engagement, he would have been entitled for gratuity and family pension and also for compassionate appointment to the son of the deceased. At present, the applicant No.1<sup>st</sup> wife of the deceased employee is not getting any pension. She had not get any other retirement benefits. Accordingly, the applicants have calimed following reliefs :-

- A ) The Respondents may kindly be directed to fix family pension in favour of applicant No.1 and pay the same from the 1st day of next month after the death of husband of applicant No.1 and other settlement dues mentioned in 4(v) with the dues mentioned in para 4 (viii) above to the applicants with interest at 12 % P.A. from the date the same was due.
- B ) The Respondents may also be directed to consider the case of Applicant No.2 for compassionate appointment against death of his father on his attaining the age of 18 yrs.
- C ) Any other better benefit/benefits as the honourable Tribunal may deem just and proper may also be granted to the applicants, looking to the circumstances of the case.
- D ) The cost of the application may kindly be granted to the applicants.


  
2. The Respondents have filed reply. They have

denied that Shri Gokal Jawla was employed in 1977. However, they have admitted that he was first time employed as Casual Labourer on 21-5-1979. He was not granted temporary status as he was project labour. They have stated that Shri Gokal Lawla has only granted temporary status. He was not entitled for retirement benefits as he had not been regularised.

3. During the arguments, Mr. Gogia, for the applicant, states that certain juniors to Shri Gokal Jawla were regularised before the death of Shri Gokal Jawla and as such Shri Gokal Jawla should also been regularised from the date of his juniors were regularised so that his family should get family pension. Mr. Shevde for the Respondents stated that as per the information, the wife of the deceased employee, Applicant No.1 had not made any application for family pension to the Respondents. They have also not made any application for compassionate appointment to the son of the deceased employee.

4. If the deceased employee Shri Gokal Jawla had been regularised in reasonable time after his grant of temporary status, his family would have become entitled for family pension. Unfortunately, this was not done. It is not known as to whether any junior to Shri Gokal Jawla was regularised.

5. In the circumstances of this case, we feel that the case can be disposed of with the following directions.

 The Respondents shall treat this O.A.

as application for family pension of Smt.Kamiben Limba, wife of Shri Gokal Jawa and the Respondents shall consider the question of grant of family pension to her taking into account whether any employee, junior of Shri Gokal Jawa was regularised on or before 7-12-1988 i.e. the date of expiry of the employee and decide the question of grant of retirement benefits including family pension as per rules within a period of 4 months from the date of receipt of a copy of this order. The applicant No.1 shall be informed accordingly. Applicant No.2 shall have liberty to apply to the Respondents for compassionate appointment which will be dealt with by the Respondents as per rules.

O.A. stands **disposed of** accordingly. No order as to costs.



( V.Radhakrishnan )  
Member (A)

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