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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 529 OF 1998.

Cuttack, this the 9th day of February, 2000.

SMT. RADHAMANI DASH. APPLICANT.

Vrs.

UNION OF INDIA & ORS. RESPONDENTS.

FOR INSTRUCTIONS

1. whether it be referred to the reporters or not? *Yes.*
2. whether it be circulated to all the Benches of the Central Administrative Tribunal or not? *NO.*

(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
12/2/00

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 529 OF 1998.
Cuttack, this the 9th day of February, 2000.

C O R A M:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN
AND
THE HONOURABLE MR. G. NARASIMHAM, MEMBER (JUDL.).

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SMT. RADHAMANI DASH,
Aged about 71 years,
W/o. late Bhagabat Prasad Dash,
(Painter Ticket No. 75),
at Proof and Experimental Establishment,
Chandipur, now at present at Akhadasala,
PO: Sunahat, PS/Town./Dist: Balasore.

: Applicant.

By legal practitioner : M/s. K. K. Rath, G. K. Nandi,
S. N. Sahoo, Advocates.

- Vrs. -

1. Union of India represented by its
Secretary, Ministry of Defence,
Government of India, New Delhi.
2. Director of Defence Research
and Development Organisation,
Sena Bhawan, New Delhi.
3. Commandant Proof and Experimental
Establishment, Ministry of Defence,
Government of India, Research and
Development Organisation,
At/PO: Chandipur, Balasore. : Respondents.

By legal practitioner: Mr. S. B. Jena, Additional Standing Counsel.

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O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN:

In this Original Application under section 19 of the Administrative Tribunals Act, 1985, the applicant who is widow of one Bhagabat Prasad Dash has prayed for a direction to the Respondents to grant financial and consequential benefits to the husband of the applicant and grant family pension and T.I. to her.

2. Facts of this case falls within a small compass and can be briefly stated. Husband of the applicant was working under the Respondents as a Painter. In a Departmental proceeding initiated against him in order dated 27th May, 1974, he was imposed with punishment of removal from service. The husband of the applicant was ill at that time and he lived upto 1988. After his death, the widow i.e. the present applicant before us filed several representations one of which dated 26.5.1998 is at Annexure-4, pointing out various illegalities in the Departmental proceedings against her husband and also seeking family pension but no consideration was shown to her and that his why she has come up with this Original Application with the prayers referred to earlier.

J Som.

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3. Respondents have filed counter and have opposed the prayer of applicant on the ground of limitation, maintainability as also on the ground that the widow of the Govt. servant is not entitled to any family pension because he was removed from service and such removal of service under the rules forfeits all past services rendered by him.

4. We have heard Mr. K. K. Rath, learned counsel for the applicant and Mr. S. B. Jena, learned Additional Standing Counsel (Central) appearing for the Respondents and have also perused the records.

5. Legal position is clear that if a Govt. servant is dismissed or removed from service, then he is not entitled to any pension and the family on his death is not entitled to Family pension. In this case, the petitioner's husband was removed from service in May, 1974 and on that ground the widow of the deceased employee is not entitled to get the family pension.

6. In this Original Application, the applicant has only prayed for grant of family pension. She has not prayed for quashing the order of removal from service imposed on her husband. Even though learned counsel for the applicant mentioned about certain irregularities/illegalities with regard to the proceedings drawn up against the husband of the applicant, in the absence of any prayer for quashing the order of punishment this can not be taken note of and so long as the order of punishment

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is therefore, the widow is not entitled to get any family pension. It is also to be noted that the order of removal was passed 26 years back i.e. in the year 1974 and the husband of the applicant has not approached any Court of law during all these years before filing of this original application in the year 1998 by the widow of the deceased employee.

7. In view of this, we hold that the Original Application is without any merit and the same is rejected. No costs.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

(SOMNATH SOM)
VICE-CHAIRMAN

KNM/CM.