

NOTES OF THE REGISTRY

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Order dated 24.7.2003

Heard Mr.B.P.Yadav, the learned counsel for the applicant.

2. In this Original Application, the applicant, who is the widow of late Thammaiah, has prayed for a direction to the Respondents to grant her family pension and employment assistance on compassionate grounds. According to the applicant, her husband was engaged as a casual labourer under the Railways in 1965, was screened on 24.8.1969 and regularized as Temporary Gangman with effect from 24th August 1969. While working as permanent Gangman, he passed away on 6.12.1982. The applicant had earlier approached this Tribunal in OA No. 808 of 2002 for a direction to the Respondents to grant of family pension to her. The said Original Application was disposed of by order dated 23.9.2002 with a direction to Respondent Nos. 2 and 3 to look into the grievances of the applicant and pass necessary orders within a period of three months from the date of receipt of copy of that order and

communicate the same to the applicant. In compliance with the direction of this Tribunal, Respondent No.3, the Divisional Railway Manager, S.E.Railway, Khurda Road considered the case of the applicant and rejected the same. The decision of Respondent No.3 has been duly communicated to the applicant by letter dated 14.3.2003 (Annexure A/2). The relevant portion of the said letter at Annexure A/2 is quoted below:

“.....Your case has been thoroughly examined on the face of relevant rules and official records. It is established that prior to death, the deceased employee had neither been medically examined by the appropriate medical authority nor been regularized in his service or post as Gangman. As such, no family pension is admissible in this case as per the provision laid down in para 75(2) (b) of Railway Services (Pension) Rule, 1993.”

Being aggrieved with the decision of Respondent No.2, she has filed the present O.A.

3. We have perused the records. The applicant has failed to produce any document, along with the O.A., showing that her husband was a regular employee under the Railways. From Annexure A/2, it is seen that prior to the death of Mr.Thammaiah, the husband of the applicant, he was not regularized in any post under the regular establishment of the Railways. In view of this,

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no family pension is admissible in this case. As regards the prayer for direction to the Respondents to give employment assistance to the applicant, the same is equally not tenable inasmuch as Mr. Thammaiah was not a regular employee under the Railways. That apart, as would appear from Annexure A/4, the applicant had approached the Respondents in her representation dated 25.1.2002 for giving compassionate appointment, and though she has mentioned therein to have made several representations to the Respondents for compassionate appointment, she has not enclosed any of her previous representations. When it is the case of the applicant that her husband passed away in 1982, her claim for giving compassionate appointment in 2001 is without merit.

4. Considering all the above facts, we hold that the applicant has not been able to make out a prima facie case for admission and hence, the Original Application is rejected being devoid of merit.

[Signature]
24/07/2003

(M.R. MOHANTY)

MEMBER (JUDICIAL)

[Signature]
24/7

(B.N. SOM)

VICE-CHAIRMAN

Or. No. 24.7.3

A copy of order is prepared for counsel for the petitioner.

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