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O.A. No. 128 of 2006

Order dated: 28.07.2008

CORAM:

Hon'ble Mr. Justice K. Thankappan, Member(J)

This is an application filed by the wife of one Late Banmali Mallick, who died in harness on 28.05.1975. After the death of the employee, who was working as a Loco Driver, the applicant has given an application for pensionary benefits such as gratuity and other dues from the Respondents. As per Annexure-A/1, the pensionary benefits has been disbursed to the applicant and family pension was also granted to her. However, this present application has been filed by the wife of the said deceased employee for giving a direction to the Respondents to allow her the LIC amount, GPF amount and also for a compassionate appointment.

Though, this case was filed on 02.02.2006, in spite of the posting of the case for several times neither the counsel nor the applicant appears before this Court. However, today this matter came up for hearing. This Tribunal heard Mr. R.C.Rath, the counsel appearing for the Respondents and perused the entire records produced in the Court and the averments contained in the O.A. Admittedly, the applicant has already been given the family pension as evident from Annexure-A/1, if so, the claim for compassionate appointment is not in accordance with the law. That apart, the husband of the applicant died on

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28.5.1975, and the applicant was allowed family pension as per Annexure-A/1. Thereafter, the applicant filed an application on 20.08.1978 for compassionate appointment and for the disbursement of LIC amount and GPF amount. Apart from the above application, the applicant had approached the Railway Adalat also on the same plea. However, it is to be noted that for disbursed of any LIC amount, the Railway is not responsible and not in any way liable for such LIC amount. With regard to the claim of GPF, as a matter of 1975, as per the records kept by the Railway Board, there is no evidence to show that the husband of the applicant was a regular contributor of GPF or not.

In the above circumstances, the Railway is not in a position to either allow or to consider the claim for GPF amount of the husband of the applicant. As this Tribunal has already found that since the applicant has been given family pension and the claim for employment assistance is so badly belated, this Tribunal is not in a position to see any merit in the prayers contained in the O.A.

Accordingly, the O.A. is found bereft of merit and is dismissed without any order as to costs.

L. Kappan
MEMBER(J)