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O.A. No.252 of 2006
Smt. Leelabati & Another ... Applicants
Versus
UOI & Ors. ... Respondents

Order dated 13~~th~~ October, 2009.

C O R A M

THE HON'BLE MR. C.R. MOHAPATRA, MEMBER (A)

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It is the case of the Applicants that though they are entitled to the pension and pensionary dues being the legal heir of the deceased with effect from the date of death of Munshi @ Munshi Sandha while working as a Gangman in the Railway, they were not paid the same till date although the death was on 14.03.1980. It is the stand of the Respondents in their counter filed in this case that Munshi was only a Casual Gangman at the time of his death. He was empanelled vide order dated 05.11.1981 for regularization but in fact such regularization could not take effect due to non-compliance of the requirements stipulated in the order itself such as medical examination etc. No rejoinder has been filed by the Applicants.

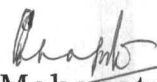
2. Heard the rival submissions of the parties and perused the materials placed on record including copy of the order dated 05.11.1981 filed by the Learned Counsel for the Respondents. Neither through the pleadings nor in course of hearing Learned Counsel for the Applicant produced any material showing that Munshi had ever been regularized prior to his death. Rule of the Railway is clear that casual or temporary status holder employees are not entitled to any pension. Pension rules under which railway employees are granted pension do

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not apply to casual employees or casual employees conferred with temporary status. As such in the event of death of such employee the widow is also not entitled to family pension. This was also the view expressed by the Hon'ble Apex Court in the case of **General Manager, North West Railway and Another v Chanda Devi**, (2008) 1 Supreme Court Cases (L&S) 399. In the instant case Applicants failed to substantiate by producing any material except bald allegation in the pleadings that the ex-employee was a regular Gangman. Hence I find that the issues involved and answered by the Hon'ble Apex Court in the case of Chanda Devi is akin to the issues raised in this OA. In view of the above, I find no fault with the Respondents in not sanctioning the pension and pensionary benefits as prayed for by the Applicants in this OA.

3. For the reasons discussed above, this OA being devoid of any merit stands dismissed. No costs.


(C.R. Mohapatra)
Member (Admn.)