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O.A. No.705 of 2006

Musi Mohanty ... Applicant

Versus

UOI & Ors.

... Respondents

Order dated 15th October, 2009.

C O R A M

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

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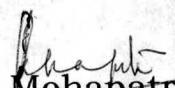
Applicant is the wife of Late Ghana. According to the Applicant Late Ghana was initially engaged as a Mansoon Patrolman in different TLR section and attained temporary status on 04.07.1987. While continuing as Gangman, he was screened on 10.03.1993 for regular absorption. Accordingly in the panel prepared and published by the Respondents on 01.06.1994 for the purpose of regularization, the name of the husband of the Applicant Late Ghana was shown at Sl.No.24. But he expired on 08.12.1993. Therefore, applicant made representation on 16.11.1994 to the Respondent No.3 seeking employment on compassionate ground as also payment of retiral benefits of Late Ghana. It has also been admitted by the Applicant that after the death of her husband she was paid Rs.2409/- towards DCRG but no other benefit such as family pension etc. has been sanctioned in her favour although she was entitled to the same as per Rules. Earlier she approached this Tribunal in OA NO. 438 of 1995 seeking direction to the Respondents to provide employment in favour of the son of the applicant as also grant of retiral benefit. But on the request of the Learned Counsel for the Applicant the prayer for grant of retiral relief was deleted as not pressed to take up in separate OA. However, in compliance of the order of this Tribunal the son



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of the applicant has already been provided employment on compassionate ground. Now her claim is for payment of retiral benefit.

2. While denying the authenticity of the letter under Annexure-A/2 under which the Applicant claims that her husband of the applicant on being screened was empanelled for regularization, it has been stated by the Respondents in their counter that the husband of the applicant had never been regularized or taken to be regular railway servant so as to come within the meaning of sub rule 23 of Rule 2 of Railway services(Pension) Rules (RSPR), 1993 entitling the Applicant to get pension after the death of her husband. In order to verify whether the husband of applicant had ever been screened/regularized in service we have called for the original records of ex railway employee. In compliance with such direction, Learned Counsel for the Respondents produced the original records and I have gone through the same with the aid and assistance of Learned Counsel for both sides.

3. Since it is not the case of the Applicant nor it is proved from the record that the husband of the applicant was a regular employee by applying the decision of 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 I find no fault with the Respondents in not sanctioning the pension and pensionary dues to the applicant after the death of her husband. In view of the above, I find no merit in this OA. The OA is accordingly dismissed being devoid of any merit. No costs.


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