

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

OA.1127 of 1996

Date of Order: 18-02-98.

Present: Hon'ble Mr. Justice S.N. Mallick, Vice-Chairman.  
Hon'ble Mr. S. Dasgupta, Administrative Member.

LAKHMI BHUNIYA

-VS-

UNION OF INDIA & ORS.

For the petitioner: Mr. T.K. Biswas, counsel.

For the respondents: Mrs. B. Ray, counsel.

Heard on: 18-02-98.

O R D E R

S. Dasgupta, AM.

1. We have heard the ld. counsel for the applicant at the admission stage and perused the pleadings in the O.A. Ld. counsel for the respondents was also heard by us.


2. Through this application, the applicant seeks a direction to the respondents to pay her settlement dues including family pension in respect of late Gour Chandra Bhuinya, who was the husband of the applicant.

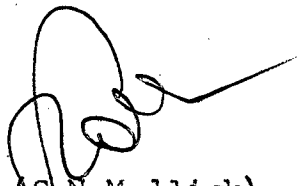
3. The admitted facts of the case are that the applicant's husband was a railway employee who was appointed as Gangman on 27.2.63 and died on 29.12.68. The applicant also states that her husband was granted CPC scale of pay. The further averment is that he was contributing to the Provident Fund. The applicant has alleged that although her husband died in harness and that she and her children were entitled to pension and also compassionate appointment, she has not been given the settlement dues so far.

4. We find from the averments that the applicant's husband died on 29.12.68. It would appear from the annexures to the application that the applicant made representations for the settlement benefits on 7.4.95 and 16.6.95 and the representation dated 16.6.95 was rejected by an Order dated 13.9.95 by the respondents stating that after such a long time of 27 years, the service particulars of her husband cannot be verified and that even, according to her statement, he was only a casual worker and therefore, no pensionary benefits are admissible as per the extant rules.

5. Admittedly, the applicant had put in only 5 years service as casual worker and even it is accepted that he was granted CPC scale of pay, it would be clear that the applicant's husband only obtained temporary status. There is nothing in the application to indicate nor there is any annexure to prove that the applicant's husband was regularised as Group-D employee. Therefore, the applicant's husband was not entitled to any pensionary benefits and accordingly, his family also is not entitled to such pensionary benefit. In any case, the very fact that the applicant has slept over the matter for 27 years casts doubts on the veracity of the claim.

6. We, accordingly, dismiss the application at the admission stage. No order as to costs.

  
(S. Dasgupta)  
Member(A)

  
(S. N. Mallick)  
Vice-Chairman.