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**CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR.**

Original Application. No. 188/2007

Date of order:22.08.2007

Hon'ble Mr. Tarsem Lal, Administrative Member

Smt. Vijay Laxmi, W/o late Shri Bhagwati parsad aged about 71 years Ex-Fitter 1327 office of the Dy Chief Mechanical Engineer (W) North Western Railway, R/o 172, Dhoni Piao, Chunji Wali Gali Mathura (UP)

: Applicant.

Rep. By Mr. Y K Sharma : Counsel for the applicant.

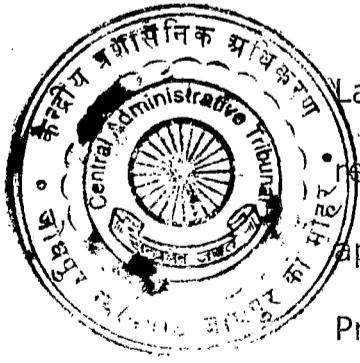
VERSUS

1. Union of India, through the General Manager, North Western Railway, Jaipur.
2. The Dy Chief Mechanical Engineer (W) North Western Railway, Bikaner.

: Respondents.

ORDER

Per Mr. Tarsem Lal, Administrative Member.

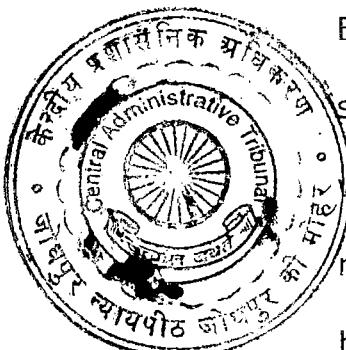
This Original Application has been filed by Smt. Vijay Laxmi, wife of late Shri Bhagwati Parsad and she has given her residential address at Mathura, Uttar Pradesh. Though the applicant has given her residential address as belonging to Uttar Pradesh, nevertheless, since the cause of action has arisen in Rajasthan (Bikaner), this Bench of the Tribunal has got territorial jurisdiction to pass this order under Rule 6 of the CAT (Procedure) Rules, 1987.

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2. The applicant has explained in her Original Application that Mr. Bhagwati Parsad was employed under the Deputy Chief Mechanical Engineer (W), North Western Railway, Bikaner i.e. respondent No. 2. He was involved in a false criminal case for theft on 02.05.1985 and a criminal case No. 578/85, State vs. Bhagwati Prasad and others was filed under Sec. 3 of R.P/ U.P, before the Railway Magistrate Bikaner. The above case was decided on 28.09.1989 and the applicant's husband was given the benefit of probation of offenders Act. The applicant's husband submitted a copy of the judgement dated 28.09.89 to the respondents requesting them to take him on duty as he was under suspension. The respondents after careful consideration passed an order on 19.07.90 under Rule 14 (i) of Railway Servants (Discipline and Appeal) Rules 1968 removing him from service.

3. After receipt of the said order, he submitted an appeal on 3/20.08.90 (Annex. A/4). In the meanwhile, the applicant's husband preferred an appeal before the learned Sessions Judge, Bikaner and the same was decided on 03.02.93. Thereafter, he submitted another representation on 20.02.93 (Annex. A/5) along with the judgement of the Sessions Court, Bikaner to the respondents and prayed that the order dated 19.07.90 removing him from service may be quashed and he should be re-instated in service with all consequential benefits including the pay and allowances from the date of removal till the date of re-instatement.



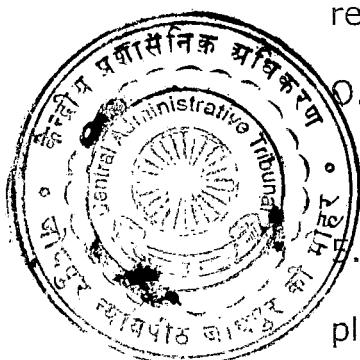
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In response to the above representation, the railway authorities have issued another order dated 11.03.95, stating that action has already been taken under Rule 14 of the Railway Servants (Discipline & Appeal) Rules, 1968, as he was awarded a probation for a good conduct for 2 years and as a result of which he has been removed from service with effect from 28.09.89 and the action already taken against the accused railway employee is legally in order and need no review. Thereafter, the applicant's husband preferred mercy petition to the President of India but to no avail. Applicant's husband was removed from service from 28.09.1989 instead of 19.07.1990. He died on 15.11.2005.

4. The applicant, after her husband's death on 15.11.2005, submitted a representation on 12.04.2006, (Annex. A/1) to the second respondent requesting him that she has no source of income and therefore the terminal benefits of late Shri Bhagwati Parsad, like family pension, P.F., LIC, leave encashment, and other retirement benefits may be paid to her. Since there was no response from the respondents, the applicant has filed the present O.A.

Heard the counsel for the applicant and perused the pleadings carefully. In the circumstances of this case, the applicant is directed to make a detailed representation to the respondents bringing out all the facts mentioned in the instant O.A within a period of 15 days from the date of receipt of a copy of this



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I/B

order. On receipt of the same, the respondents are directed to consider the applicant's case as per rules and pay her the terminal benefits, such as family pension, leave encashment, LIC, and PF etc. The above action may be taken within a period of four months from the date of the receipt of the representation of the applicant. They shall also pass a detailed speaking order and inform the applicant suitably. The applicant is at liberty to approach this Tribunal in case any grievance still survives. O.A is disposed of as above.

Tarsem Lal
(Tarsem Lal)
Administrative Member.

Jsv.

~~Colours
Rec'd
10/10/14~~

~~No. 189 to 190
Dtd. 24.8.88~~

Part II and III destroyed
in my presence on 04-6-14
under the supervision of
section officer (J) as per
order dated 16.7.14

Section officer (Recd.)