

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH  
CALCUTTA

No.O.A.435/1997

Date of order : 14.2.2006

Present : Hon'ble Mr. B.N. Som, Vice-Chairman  
Hon'ble Mr. A.S. Karamadi, Member(J)

KUNI BALA PAUL  
VS.  
UNION OF INDIA & ORS.

For the applicant : Mr. A. Chakraborty, counsel  
For the respondents : Mr. K. Chakraborty, counsel

ORDER

Per A.S. Karamadi, J.M.

This application has been filed praying for the following reliefs:-

1. Declaration that the husband of the applicant is entitled to be regularized in service w.e.f. 1/4/84 and also the applicant is entitled to family pension.
2. An order do issue directing the respondents to grant family pension in favour of the applicant.
3. The applicant is the wife of late Kanai Paul, Ex-Store Watchman under the respondents who died on 17.8.1989 while in service. The husband of the applicant was initially appointed on 24.3.1970 as a Store Watchman under Sr. Project Manager, S.E. Railway, Kharagpur. Thereafter he was retrenched from service and was again appointed on 28.12.1978 and attained temporary status w.c.f. 1.1.1982. In this application the applicant has stated that after the death of her husband she was paid Leave Salary, Provident Fund etc., but no family pension has been granted in her favour. The




applicant submits that the casual employees who were on the roll of the construction unit as on 1.4.1984 and completed three years of continuous service as on 1.4.1984 were regularized in service with effect from 1.4.1984, therefore, her husband also should have been regularized in service w.e.f. 1.4.1984 as he was on the roll of the Construction Unit and completed three years of continuous service as on 1.4.1984, but such benefit had not been given to her husband as a result of which she was not given family pension.

4. Respondents have filed reply statement denying the claim of the applicant. They have stated in their reply that the husband of the applicant after attaining temporary status w.e.f. 1.1.1982 having completed three years but less than five years of service as on 1.1.1981 and he died on 17.8.1989. They have further stated that grant of family pension is governed by Pension Rules wherein it has been held that the benefit of family pension and gratuity is not admissible to casual labour with temporary status under the railway. Moreover, the deceased husband of the applicant worked for 7 years after attaining temporary status, therefore, the applicant is in no way entitled to get family pension. According to the respondents, attainment of temporary status does not confer any vested right for automatic regularization and regularization is done subject to availability of vacancy in turn as well as suitability and medical fitness as applicable to the Group 'D' employees. However, the husband of the applicant died 7 years after attaining temporary status and died on 17.8.1989 without being regularized, therefore, under no rule the applicant is entitled for the relief claimed.



5. We have heard Id. Counsel for the parties and perused the pleadings and materials on record. In our considered view the reliefs sought for by the applicant cannot be granted as the claim of the applicant is belated one. Moreover, in absence of any vested right for regularization in service, the relief claimed in this application cannot be granted. Having regard to the admitted facts between the parties the applicant does not deserve any consideration for family pension. Accordingly, the O.A. is dismissed. No order as to cost.

  
MEMBER(J)

  
VICE-CHAIRMAN