

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.493/2002

Wednesday this the 15th day of January, 2003.

C O R A M

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

Sri K.C.Warrier
"SREYASEE", Shanti Nagar
P.O.Chengallur
Trichur Dist. 680 312.

Applicant

(By advocate Mr.P.Balakrishnan)

Versus

1. Union of India represented by
The Secretary
Ministry of Water Resources
Shram Shakti Bhavan
New Delhi.

2. The Secretary & Director of
Grievances
Central Water Commission
Sewa Bhawan,
New Delhi.

Respondents

(By advocate Mr.C.Rajendran, SCGSC)

The application having been heard on 15th January 2003,
the Tribunal on the same day delivered the following:

O R D E R


HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

The late wife of the applicant, Smt.V.R.Remani was appointed purely on ad-hoc basis as a Work Assistant Grade III on Workcharged Establishment of the Central Water Commission in Bhutan on a pay of Rs.210/- P.M. in the pay scale of Rs.210-290 for a period from 8.5.86 to 30.6.86. However, her services were continued without any break upto 28.2.91. Although the services of Late Smt.V.R.Remani were terminated with effect from 28.2.91, she was reappointed with effect from 17.6.91 after a break of 108 days, but in a different pay scale. A request for regularisation of the break in service was made and the same was pending. While so, Smt.V.R.Remani died on 13.2.2000 while she was on medical leave and was undergoing treatment for renal failure. In

response to repeated representations of the applicant for release of the terminal benefits of his late wife, he was paid gratuity, provident fund amount etc. but was not given the family pension. In reply to the claim of the applicant for family pension, by A-7 letter dated 11.1.2002, the applicant was informed that in terms of the rules applicable to the applicant's wife, no family pension was due. Aggrieved, the applicant has filed this application for a direction to the respondents to grant family pension to the applicant with effect from 14.2.2000 with interest.

2. Respondents have filed a detailed reply statement. They contend that the applicant's wife was appointed on a work charged post, clearly informing her that she would be covered by the Royal Government of Bhutan's service rules applicable to the work charged staff of the Government of Bhutan, that in terms of the said rules, no pension or family pension is due, and that the applicant's wife filed a case through OA No.1682/97 before the Principal Bench of this Tribunal for regularisation of her service, which was dismissed, inter-alia, holding that no part of cause of action having arisen within the territory of India, the Tribunal did not have jurisdiction to entertain the application. Respondents contend that the applicant's claim for family pension is unsustainable.

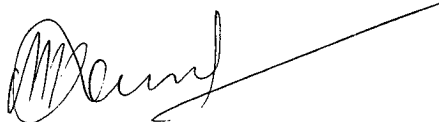
3. When the application came up for hearing, none appeared for the applicant. None appeared for the applicant even on the previous date of posting. I, therefore, proceed to dispose of this application on merit after perusing the application and after hearing the learned counsel of the respondents.



4. Applicant's wife was recruited locally in Bhutan as a work charged employee by A-1 order dated 10.5.86, which itself contained a clause "Her service conditions shall be governed under Royal Government of Bhutan service rules applicable to Work charged employees". The service rules applicable to the employees of the Royal Government of Bhutan, which are available as R1 & R2, show that there is no provision for payment of family pension. Applicant's wife accepted the appointment which was covered by the said rules. As the applicant's wife was appointed under the said rules and on her acceptance of the conditions, the claim of the applicant for family pension is unsustainable and baseless.

5. In the light of what is stated above, finding no merit, this application is dismissed, leaving the parties to bear their respective costs.

Dated 15th January, 2003.



A.V. HARIDASAN
VICE CHAIRMAN

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