

DA 79/96

1
9.2.96

CM

Hon'ble Shri K.D.Saha, Member(A)

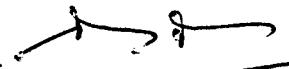
Adjourned to 15.2.96 for admission.


(K.D.Saha)
Member (A)

2./ 15.2.96

Hon'ble Mr. K.D.Saha, Member (A)

Adjourned to 28.2.96 for admission
as prayed for.


(K.D. Saha)
Member (A)

3

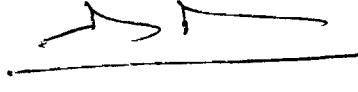
28.2.96

CM

Hon'ble Shri K.D.Saha, Member(A)

Heard the learned counsel for the
applicant. Admit. Issue notice to the respondents
to file written statement within six weeks.
Rejoinder, if any, to be filed within two weeks
thereafter. Requisites to be filed within a week.
List the case before the Registrar on 10.4.96 for
completion of pleadings.

*Case Issued
28/2/96
S.D.*


(K.D.Saha)
Member (A)

4/10.4.96

Shri M.L.Paswan, Registrar I/c

Notices have been issued to the respondents. SR not received. WS has not been filed. List on 13.5.96 for filing WS.

Shri
(M.L.Paswan)

SKS

Registrar I/c

SKS

5/13.5.96

Shri. M. L. Paswan, Registrar Incharge.

Notices have been issued to the respondents. SR not received.. W/s has not been filed. Put up on 2.7.96 filing the same.

Shri
(M. L. Paswan)
Registrar I/C

PKL

6/2.7.96

Shri M.L.Paswan, Registrar Incharge

None appears. SR not received. W.S. has not been filed. List on 23.7.96 for filing W.S.

Shri
(M.L.Paswan)
Registrar I/c

SKS

*behalf Valabehnam filed
on 3/7/96 kept in file*

OA-79/8 96

7/23.7.96

Shri M.L.Paswan, Registrar I/c

Shri S. ~~xx~~ Chaudhary, counsel for the applicant is present. W.S. has not been filed in this case. Vakalatnama has been filed on behalf of the Union of India on 3.7.96. List on 29.8.96 for filing W.S.

SKS.

(M.L.Paswan)
Registrar I/c

8/29.8.1996

Sri B.S. Birnbey, For Dy.Registrar

No one appears. Written statement has not been filed. Put up on 27.9.1996 for filing
W/s

Birnbey
(B.S. Birnbey)
for Dy. Registrar

9/22 27.9.96

Sri. S. P. Sinha, Dy. Registrar I/C.

The learned counsel for the applicant as well as respondents are present. W/s has not been filed as yet. Put up on 1.11.96 for filing the W/s as a last chance.

PKL

S. P. Sinha
(S. P. Sinha)
Dy. Registrar

9/11.96

Sri. M. L. Paswan, Dy. Registrar.

....

The learned counsel for the applicant is present. The respondents are unrepresented. W/s has not been filed. Although sufficient time was given therefor. Let the case be put up before the Hon'ble Single Member Bench for further direction, fixing 18.11.96.

AM
(M. L. Paswan)
Dy. Registrar

PKL

10/18.11.96

None for the applicant.

Shri P. K. Verma, the counsel for the respondents.

W/s has not been filed so far. Three weeks further time is allowed for filing W/s. List on 06.01.1997 for direction.

VNM
(V.N. Mehrotra)
Vice-Chairman

SKJ

11/ 6.1.97.

W/S has not been filed even now. Four weeks and no more is allowed for the same. Rejoinder, if any, may be filed within two weeks thereafter. List this case on 24.2.97 before the Registrar I/C for completion of pleadings.

VNM
(V.N. Mehrotra)
Vice-chairman

/ CBS/

The learned counsel for the applicant

Shri S. Choudhary is present. None for the respondents. A vakalatnama has been filed on behalf of the respondents. No W/s has yet been filed though sufficient time was given to the respondents. In the circumstances, let it be listed before the Hon'ble Bench for direction on 5.3.1997.

S.P.Sinha
(S.P. Sinha)
Dy. Registrar I/C

13. 5.3.97. Shri S. Choudhary, the counsel for the applicant.
None for the respondents.
No W/S has been filed. Four weeks and no more. is allowed for filing W/S. Rejoinder, if any, may be filed within two weeks thereafter. List it on 13.5.97 before the Registrar I/C for completion of pleadings.

CBS/

Adige
(S.R. Adige)

Member (A)

VNM
(V.N. Mehrotra)

Vice-chairman

14/13.5.1997 The learned counsel for the applicant is present. None for the respondents. W/s has not yet been filed though sufficient time was given therefore by the Hon'ble Bench vide order no.13 dated 5.3.1997. In the circumstances, let it be listed before the Hon'ble Bench for direction on 26.5.1997.

MPS.

S.P.Sinha
(S.P.Sinha)
Dy. Registrar I/C

15/26.05.97

Shri S. Chowdhury, counsel for the applicant.

None for the respondents.

W/s not filed so far. As a last chance three weeks further time is allowed for the same. Rejoinder may be filed within two weeks thereafter.

List on 22.07.1997 for direction.

VNM
(V.N. Mehrotra)
Vice-Chairman

SKJ

16./ 22.7.97. None for the parties. W/S not filed so far. Three weeks further time is allowed for the same. Rejoinder, if any, may be filed within two weeks thereafter. List it on 5.9.97 for direction.

/CBS/

(V. N. Mehrotra)
Vice-chairman

17/05.09.97

W/s not filed so far. Allowed two weeks time for filing the same. Rejoinder may be filed within two weeks thereafter. List for direction on 10.11.1997.

SKJ

18

10.11.97

Shri P.K. Shahi has not put his appearance for the respondents. He has not filed written statement so far. Three weeks' further time is allowed for the same. He must file the written statement within the said period. Rejoinder to be filed within two weeks thereafter. List on 21.1.98 for direction.

(V.N. Mehrotra)
Vice-Chairman

19

21.1.98

CM Since Bench is not available, list on

25.2.98 for direction.

W. K. Srivastava
(V.K. Srivastava)
Dy. Registrar

20./ 25.2.98. Pleadings in the case are complete. List it on 15.5.98 for hearing.

L. R. K. Prasad
(L.R.K. Prasad)
Member (A)

W. N. Mehrotra
(V.N. Mehrotra)
Vice-chairman

apply out
begs to file
the following
rejoinder to the
rejoinder by on
w/s filed by
the w/s of
w/c 3/98
filed by
N. TOPUS
4.3.98

21./ 15.5.98. List it on 6.8.98 for hearing.

/CBS/

(L.R.K. Prasad)

Member (A)

(V.N. Mehrotra)

Vice-chairman

22./ 6.8.98. Shri S. Choudhary, the counsel for the applicant.

None for the respondents.

List it on 26.10.98 for hearing before the Single

Member Bench.

/CBS/

(L.R.K. Prasad)

Member (A)

(V.N. Mehrotra)

Vice-chairman

23/26.10.98. To be listed on 14.12.1998 for hearing.

On the request of Shri S. Choudhary, the learned

counsel for the applicant, list it on 14.12.1998 for hearing.

SKJ, the learned counsel for the respondents.

(L.R.K. Prasad)

Member (A)

24./ 14.12.98. On the request made by Shri J.N. Pandey, the learned counsel, list it on 25.1.99 for hearing.

SKJ, the learned counsel for the respondents.

On the request of the learned counsel for the applicant,

list it on 12.04.1999 for hearing.

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/CBS/ (LAKSHMAN JHA)

MEMBER (J)

(L.R.K. PRASAD)

MEMBER (A)

Amendment
petition
filed
N. T. T.

Nakalatnam
filed on
behalf of
Resp.

27/4.6.1999

Shri S. B. Singh, counsel for the applicant.

On the request of the learned counsel for the applicant, let it be listed before the appropriate Single Member Bench for hearing on 2.7.1999.

M.P.S.

(Lakshman Jha)
Member (J)

(L.R.K. Prasad)
Member (A)

28

2.7.99

EM

Shri J. N. Pandey ..Counsel for the applicant
Shri Shekhar Singh ..Counsel for the respondents.

During the course of argument, it appears that Annexure-3, which is a photo copy of the true copy of letter dated 8.7.1984 issued by respondent-Railway Administration, is denied to be genuine one. The learned counsel for the respondents submitted that the deceased husband of the applicant had been spared for joining at Bhawnathpur after being empanelled as Substitute Labourer ~~in~~ 1975, but he (deceased) did not join there and, therefore, the applicant-widow is not entitled to pensionary benefits. The fate of the case hinges on the genuineness of Annexure-3. In the circumstances, ^{as ~~as~~ stated above} no useful purpose will be served by calling for the production of the original of Annexure-3. However, the applicant is directed to submit affidavit in support of Annexure-3, disclosing the source of obtaining the same. On her filing the affidavit, the respondents are at liberty to file rejoinder. List it for further hearing on 5.8.99. Copy of the order be given to the learned counsel for the parties.

ASher
(Lakshman Jha)
Member (J)

Q. A. No. 79/96

29/9/96 5.8.99

None for the applicant.

Shri S. Singh, counsel for the applicant.

List it for hearing on 30.8.1999.

N. Topre
23.8.99

MRS.

AKJ
(Lakshman Jha)
Member (J)

l. r. k. p.
(L.R.K.Prasad)
Member (A)

30/30.8.1999

On the request made on behalf of the learned counsel for the applicant, list it for hearing on 10.9.1999.

MRS.

AKJ
(Lakshman Jha)
Member (J)

l. r. k. p.
(L.R.K.Prasad)
Member (A)

31/10.9.99

List it for hearing on 28.9.99

AKJ

AKJ
(L.JHA)
MEMBER (J)

l. r. k. p.
(L.R.K.PRASAD)
MEMBER (A)

32/28.9.99 Sh. Subhash Pandey, counsel for the applicant
None for the respondents.

List it for hearing on 16.11.1999

AKJ

AKJ
(L.JHA)
MEMBER (J)

l. r. k. p.
(L.R.K.PRASAD)
MEMBER (A)

OA - 79/96

33/1 16.11.99. List it on 12.1.2000 for hearing.

LJha
/CBS/ (L. JHA)
MEMBER (J)

LRK
(L.R.K. PRASAD)
MEMBER (A)

34/1 2.1.2000 For want of time, list for hearing
on 23.2.2000.

SKS

L. Mingliana
(L. Mingliana)
Member (A)

Say
(S. Narayan)
Vice-Chairman

35/23.2.2000 None appears on account of advocates' strike.
List it for hearing on 7.4.2000.

M.S.

L. Mingliana
(L. Mingliana)
Member (A)

Say
(S. Narayan)
Vice-Chairman

36/07.04.2000 For want of time, the hearing is adjourned
to 25.05.2000.

SKJ
SKJ (L. R. K. Prasad)/M(A)

Say
(S. Narayan)/V.C

37/25.05.2000 : None appears on behalf of the applicant.
Shri S. Singh, counsel for the respondents.
Let it be listed again on 26.07.2000 for hearing.
In case nobody turns-up on behalf of the applicant on the
next date, it will be dismissed for default.

LRK
SKJ (L. R. K. Prasad)/M(A)

Say
(S. Narayan)/V.C

CA-79/96

38/26.7.2000

None for the parties

List it for hearing on 14.8.2000.

SKS

(L. Hmingliana)/M(A) (L. Jha)/M(J)

39/14.8.2000

Shri S. Choudhary, counsel for applicant

None for the respondents

On the request of Shri Choudhary
list it for hearing on 11.9.2000.

SKS

(L. Hmingliana)/M(A) (L. Jha)/M(J)

40/11.9.2000

For want of time, list it for hearing
on 7.11.2000.

MPS.

(L. Hmingliana)
Member (A)

(Lakshman Jha)
Member (J)

41/7.11.2000 Shri S. Choudhary, counsel for the applicant.

Shri S. Singh, counsel for the respondents.

With mutual consent of both the parties,
list it for hearing on 10.11.2000.

MPS.

(Lakshman Jha)
Member (J)

42/10.11.2000

Shri S. Choudhary, counsel for the applicant.
Shri Rajesh Kr. for Shri S. Singh, Rly. counsel.

As Shri Sekhar Singh is out of station,
let it be listed for hearing on 23.11.2000.

skj
(Lakshman Jha)
Member (J)

M.P.S.

43/23.11.2000 None for the applicant.

Shri S. Singh, counsel for the respondents.

Let it be listed for hearing on 8.12.2000.
If nobody appears on behalf of the applicant on
that date, the case may be dismissed for default.

skj
(L.R.K. Prasad)
Member (A)

M.P.S.

44/08.12.2000 : Both sides are present.

skj
List again on 24.01.2001 for hearing.

skj

skj
(L.R.K. Prasad)/M(A)

skj
(S.Narayan)/V.C.

45/24.01.2001 : None for the applicant.

Mr. S. Singh, counsel for the respondents.

skj
List again on 19.02.2001 for hearing.

In case nobody appears on behalf of the applicant on
the next date to press this case, it will be dismissed
for default.

skj

skj
(L.R.K. Prasad)/M(A)

skj
(S.Narayan)/V.C.

46/19.02.2001 : Shri J.N. Pandey, counsel for the applicant.

skj
Id, counsel for the applicant insisted
for hearing of the instant OA and, therefore, ignoring
the earlier order dated, 24.01.2001, we direct that
the matter be listed for hearing on priority basis
on 27.03.2001.

skj

skj
(L.R.K. Prasad)/M(A)

skj
(S.Narayan)/V.C.

O.A.No.79/96

47/27.03.2001 : On request made on behalf of the applic
let it be listed again on 24.04.2001 for hearing.

skj

ecr
(L.R.K.Prasad)/¹¹(A)

Sar
(S.Narayan)/V.C.

48/24.04.2001 Shri S. Choudhary, counsel for the applicant.
 Shri Sekhar Singh, counsel for the respondents.

The applicant has prayed for direction to the respondents authorities to grant family pension to the applicant and also for appointment of ~~the son of the~~ ^{her} applicant on compassionate grounds. The applicant was engaged as temporary casual labour on 31.10.73 and was made substitute labour in the year 1975. He was screened for being absorbed as permanent labour and was posted as permanent labour at CWS/Bhuwanathpur railway station. But he could not join as permanent labour as he could not be relieved by the authority concerned in the exigency of circumstances. The applicant died on 28.12.1982.

The learned counsel for the applicant states that the widow of the applicant who seeks compassionate appointment for her son, and also family pension, is in indigent financial condition and she deserves sympathy of the Tribunal.

The learned counsel for the respondents, on the other hand, stated that the deceased had not completed 10 years of qualifying service for grant of family pension to the applicant. The learned counsel for the respondents further contended that the prayer for compassionate appointment is also not maintainable in view of the fact that the deceased employee died on 28.12.1982, that is to say, that more than ^{ago} before 9 years and the prayer is badly hit by limitations.

We have considered the matter and found that the contention of the learned counsel for the respondents is quite sound and proper. Accordingly, the OA is dismissed. No order as to costs.