

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH : PATNA

Date of Order:- 2.1.2007

Registration No. OA-88 of 2006

C O R A M

Hon'ble Km Sadhna Srivastava, Member (J)

Smt. Lalita Devi, wife of Late Ram Parichhan Ram

...Applicant

-By Shri M.P.Dixit, Advocate

Versus

The Union of India & Others

...Respondents

- None appears

ORDER

Km Sadhna Srivastava, Member (J):- The applicant seeks direction to the respondents to pay family pension along with arrear.

2. The factual matrixes of the case brought out by the applicant in this OA are that the applicant is widow of late Ram Parichhan Ram who was initially appointed as Casual Gangman under the Construction Department. He was granted temporary status with effect from 1.1.1981 and died on 19.9.1988. The applicant has come up with a prayer for grant of family pension.

3. A similar issue was examined in depth and extensively by a Division Bench of the Tribunal at Ahmadabad in the case of Ballam Badia Vs. Union of India & Others, 2003(2) SLJ (CAT) 271. Similar benefit was given by this Tribunal in the case of Krishna Dey Vs. Union of India, 2006 (1) (CAT) SLJ 2001 as well as by the Principal Bench of the CAT at New Delhi in OA-1287 of 2000, in another case of Anita Devi Vrs. Union of



India & Others, 2006 ATJ (2) page 260 the Principal Bench has held that widow of casual labour with temporary status is entitled to family pension. Similar prayer was allowed by this Bench in OA-228 of 1997 which was upheld by the Hon'ble High Court of Judicature at Patna in CWJC No.5586 of 2004 dated 7.5.2004.

4. The Gujrat High Court, in the case of Rukhi Ben Rupa Bhai Vrs. Union of India, 2006(2) ATJ page 1, had occasioned to discuss the status of temporary Railway servants and casual labour with temporary status as well as substitute, for grant of family pension. The Hon'ble High Court held that the casual labour acquiring the status of temporary Railway servants are entitled for regularisation, however, non-regularisation against permanent posts would not deprive them of retiral benefits and pension. Their widows on the device would be entitled to family pension. However, the Railway Administration against that judgment filed a CC No. 10794 of 2005 before the Apex Court which granted the leave and stayed the above order of Gujrat High Court.

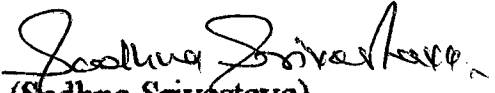
5. The facts of the present case are similar to the case of Rukhi Ben Rupa Bhai (Supra), when similar matter is pending consideration of the Apex Court, it is not proper for a lower Court/Tribunal to record any order after knowing the fact of such pendency.

6. Since in the similar facts and circumstances a Bench of this Tribunal in OA-889 of 2004 has passed an order dated 10.11.2006 keeping in view the order of Apex Court against the order of High Court, Gujrat, I do not find any reason to disagree. Rather I agree with the order. Therefore, this application would abide by the order recorded by the Apex Court in CC No.10794 of 2005. If the order of Gujrat High Court is upheld by Apex Court, the applicant will be at liberty to bring that notice to the respondents



who will then pass an order, relating to the claim of the applicant, Smt. Lalita Devi, in terms of order of the Hon'ble Supreme Court and make the payment, including that of arrear within three months of the matter and the order of the Hon'ble Supreme Court having been brought to them. However, if the Apex Court set aside the order of the Gujrat High Court in the case of Rukhi Ben Rupa Bhai(Supra) this application will be deemed to have been disposed of in terms of the order of the Hon'ble Supreme Court.

7. With the aforesaid observations and discussions this application is disposed of. There shall be no order as to costs.

  
(Sadhna Srivastava)  
Member (J)

sks