

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH

R.A.NO.: 16 OF 2007

[Arising out of OA 88 of 2006]

[Patna, this Friday, the 31<sup>st</sup> Day of July, 2009]

C O R A M

HON'BLE MR. JUSTICE ANWAR AHMAD, MEMBER [J]

Smt. Lalita Devi, widow of Late Ram Parichhan Ram, Mason under Chief Engineer/Survey Eastern Railway, Kolkata, resident of village – Berah, P.O.: Berah, District – Patna.

.....APPLICANT.

By Advocate :- Shri M.P.Dixit.

Vs.

1. The Union of India through the General Manager, Eastern Railway, Kolkata.
2. The Chief Personnel Officer, Eastern Railway, Kolkata.
3. Chief Administrative Officer [Con.], Eastern Railway, Kolkata.
4. The Chief Engineer [Survey], Eastern Railway, Kolkata.
5. Dy. C.P.O. [Con.], Eastern Railway, Kolkata.
6. F.A.&C.A.O. [Con.], Eastern Railway, Kolkata..... RESPONDENTS.  
By Advocate :- Shri Mukund Jee, SC.

O R D E R [ORAL]

Justice Anwar Ahmad, M[J] :- This R.A. has been filed by Smt. Lalita Devi [applicant of OA 88 of 2006] for review of the order dated 02.01.2007 passed in the said OA.

2. Learned counsel for the applicant submits that fatal error has occurred in para 5 of the order dated 02.01.2007 passed in OA 88 of 2006 holding that the case of the applicant is similar to Rukhi Ben Rupa Bhai Vs. Union of India [2006(2) ATJ 1]. He submits that the case of Rukhi Ben Rupa Bhai [supra] relates to temporary Railway servants and casual labour with temporary status as well as substitute and so case of the present applicant is

quite different and distinguishable. He further submits that the husband of the applicant was promoted to Group 'C' post, i.e., Mason in the scale of Rs.260-400 [Adhoc] and as such he was a temporary Railway employee entitled to get family pension as per Rule 18[3] of the Railway Pension Rules, 1993. He submits that even otherwise also the applicant's husband was regularised in Group 'D' post without which he could not have been promoted to Group 'C' post. Besides, he submits that husband of the applicant qualified in the trade test for the post of Mason and was appointed temporarily w.e.f. 01.08.1985 and hence, the very status on the date of death was Mason-cum-Carpenter like a temporary Railway servant. As such, he submits that the applicant was entitled for family pension and her case has no relation with the case of casual labour with temporary status.

3. Considering the facts and circumstances of the case, order passed in OA 88 of 2006 and submissions made, I am of the view that the learned counsel for the applicant is quite correct in his submission and this Review Application is to be allowed.

4. In the result, this Review Application is allowed with the direction to the concerned respondent to consider the pending representations of the applicant and pass reasoned and speaking order in accordance with law within a period of three months from the date of receipt/production of a copy of this order. No costs.

Let the order dated 02.01.2007 [Annexure-R/1] passed in OA 88 of 2006 be substituted by this order.

  
[Anwar Ahmad]/M[J]

skj