

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE- 560 038.

Dated: 21 SEP 1994

APPLICATION NO: 795 of 1994

APPLICANTS:- Smt. Janaki C.H.

V/S.

RESPONDENTS:- Secretary, Deptt. of Telecommunication, NDelhi
and another.

To

1. Sri.M.S.Anandaramu, Advocate,
No.27, First Main Road,
Chandrashekhar Complex,
First Floor, Gandhinagar,
Bangalore-560 009.

2. Sri.G.Shanthappa,
Addl.Central Govt.Stng.Counsel,
High Court Bldg, Bangalore-1.

Subject:- Forwarding of copies of the Order passed by the
Central Administrative Tribunal, Bangalore.

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Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above
mentioned application(s) on 06-09-94.

Issued on

21/9/94 A

of

for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

gm*

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

APPLICATION NO. 795/1994

DATED THIS THE SIXTH DAY OF SEPTEMBER, 1994

Mr. Justice P.K. Shyamsunder, Vice Chairman

Smt. Janaki C.H.
W/O. Late Balakrishna Gowda
Green Garden Cross Road
Belthangady
Dakshina Kannada District. Applicant

(By Shri M.S. Anandaramu, Advocate)

vs.

1. The Union of India
represented by its Secretary
to Government
Department of Telecommunications
Sanchar Bhavan, New Delhi.
2. The Deputy General Manager
Department of Telecommunications
Telecom District, Old Kent Road
Mangalore - 575 001. Respondents

(By Shri G. Shanthappa, Advocate)

O R D E R

(Mr. Justice P.K. Shyamsunder, Vice
Chairman)

Heard Shri M.S. Anandaramu, learned counsel for
the applicant. Learned Standing Counsel has filed his reply
and the same is taken on record.

2. The applicant is the widow of a Casual Mazdoor
who died after he was conferred with temporary status but
admittedly before his services were regularised. Although
the man worked as a Casual Mazdoor since 16.8.1992, he was
able to secure the temporary status with effect from 1.10.1989



and while he was working at the temporary status acquired, he unfortunately died on 15.4.1993. There is no dispute about that when the man died he had been conferred only with temporary status and was not regularly absorbed. The widow after the death of her husband made an application seeking pensionary benefits. The Department vide Annexure-A1 dated 4.6.1993 endorsed that in the instant case her husband having died before regularisation and when he was still a Casual Mazdoor who had acquired only temporary status, the pension rules does not permit granting her any pensionary benefits. Had only the man been confirmed or regularised, the applicant would have got some kind of pensionary benefits. But unfortunately, he appears to have died before he could be regularised. In that situation the department regrets its inability to accede to the widow's request for pensionary benefits but instead had offered to employ either the widow or somebody from the family on compassionate grounds. I am told that the applicant has since secured an appointment in the Sericulture department and is right now gainfully employed. In fact the situation as far as she is concerned is not as bad as it could have been otherwise. But her prayer for pensionary benefits could not possibly be granted in view of the pension rules not permitting the same. In that view of the matter, this application seeking pensionary benefits is held to be untenable.

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3. For the reasons mentioned aforesaid, this application fails and is dismissed. No costs.

Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

21/9/94

Sd -

(P.K. SHYAMSUNDAR)
VICE CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

REVIEW APPLICATION NO. 5/95 IN
ORIGINAL APPLICATION NO. 795/1994

DATED THIS THE SEVENTH DAY OF MARCH, 1995

MR. JUSTICE P.K. SHYAMSUNDAR, VICE CHAIRMAN

Smt. Janaki C.H.,
W/o. Late Balakrishna Gowda
Green Garden Cross Road
Belthangady, Dakshina Kannada
District.

.... Applicant

(By Advocate Mr. M.S. Anandaramu)

Vs.

1. The Union of India
represented by its Secretary
to Government, Dept. of Tele-
communications, Sanchar Bhavan
New Delhi.

2. The Deputy General Manager
Dept. of Telecommunications
Telecom District, Old Kent Road
Mangalore - 575 001. Respondents

O R D E R

I have considered this application
made for a review of the order passed in O.A. No. 795/1994
disposing it off on merits on the 6th September, 1994.
The applicant herein is also the applicant in
the original application out of which this review
application arises. The applicant is the widow of
a deceased employee who on the date of his death was
nothing more than a casual employee. However, when
he acquired the temporary status the man unfortunately
died with the result the review applicant, widow of
the deceased employee was held not entitled to any
family pension on the ground that the quondam
employee was not a substantive appointee. It is on
the aforesaid ground the O.A. came to be disposed of
by being dismissed.

2. It is also to be noticed that the review applicant had been given an appointment on compassionate grounds only for the reason that the lady could not be given any family pension by virtue of not being eligible for the same. While dismissing the O.A. it was held that the quondam employee not having been confirmed regularly in service, his dependent was not entitled to any family pension. However, the review applicant has now relied on a decision of a Single Judge of the Karnataka Administrative Tribunal in Ramakka Vs. State & Another (1994 KSLJ 648). In that case the question for consideration was whether the wife of as the dependent of an employee appointed on probation and who had completed one year of qualifying service was entitled to the benefit of a pension or not. It has been held therein that since the applicant's husband was on probation at the time of his death the man having completed one year's service, treated as qualifying service for purpose of pension under Rule 228 of the K.C.S.Rs, the applicant was entitled for family pension. The case herein is distinguishable as the Rules for grant of family pension herein being different, the petitioner thus derives no assistance from the decision cited above. This being the only point raised for consideration in this review application, it stands rejected without notice at the admission stage.

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Shyam Sunder
15/3/95

Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

U C *Sd/-*

(P.K. SHYAMSUNDER)
VICE CHAIRMAN