

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: 8 MAR 1995

APPLICATION NO: 1709 of 1994.

APPLICANTS:- Smt. Rosemary

V/S.

RESPONDENTS:- The Chairman, Railway Board, New Delhi
and others.,

To

1. Smt. Kavita, Advocate,
No.844, Upstairs,
17th-G-Main, V-Block,
Rajajinagar, Bangalore-10.
2. Sri.N.S. Prasad, Advocate,
No.29, Fifth Main,
Gandhinagar, Bangalore-9.

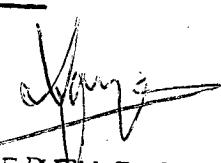
Subject:- Forwarding of copies of the Order passed by the
Central Administrative Tribunal, Bangalore.

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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 22-02-1995.

Issued on
8/3/95

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for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

gm*

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.1709/1994

WEDNESDAY THE TWENTY SECOND DAY OF FEBRUARY, 1995

MR. JUSTICE P.K. SHYAMSUNDAR VICE CHAIRMAN

MR. T.V. RAMANAN MEMBER(A)

Smt. Rosemary,
W/o late Shri J.Henry,
aged about 68 years,
House No.5, 5th Cross,
Magadi Road,
Bangalore - 560 028

Applicant

(By Advocate Smt. Kavita)

v.

1. The Chairman,
Railway Board,
Rail Bhavan,
New Delhi

2. The General Manager,
Southern Railway,
Park Town,
Madras

3. The Chief Personnel Officer,
Southern Railway, Park Town,
Madras

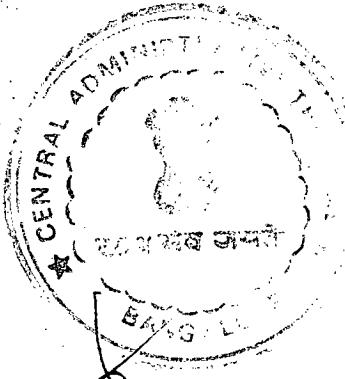
4. The Divisional Personnel Officer,
Southern Railway,
Mysore Division,
Mysore

Respondents

(By learned Standing Counsel)
Shri N.S. Prasad

ORDER

MR. JUSTICE P.K. SHYAMSUNDAR, VICE CHAIRMAN



This case has come up today for admission. We have, however, had the benefit of hearing the learned counsel for the applicant as well as the learned Standing Counsel for Railways on the merits of the case. After

perusing the papers and the pleadings herein and after hearing both sides, we find that neither of the reliefs sought for herein can at all be granted. The first prayer in this application is that we should quash an order discharging the applicant's husband from service way back in the year 1967. We notice that the aforesaid order of discharge from service has not been produced but instead a communication dated 16.5.86 informing the applicant that her husband was removed from service w.e.f. 9.12.67 for unauthorised absence has been produced as at Annexure A-1. Notwithstanding the non-production of the order of removal of applicant's husband from service, we notice the man having been removed from service, it is too late in the day for the applicant to ask us now to investigate into the question whether her husband was rightly removed from service or not in the year 1967. The first prayer in the application cannot be granted for the reasons mentioned above.

2. The second prayer is for grant of family pension to the applicant whose husband's whereabouts has remained unknown since the year 1967. It is indeed a matter of regret that the ^{breadwiner} breadwinner who had since left the domestic scene leaving the wife and children in distress, we thought the family pension is something which could be validly made but unfortunately we are bogged down by the circumstances of the employee having been removed

from service for unauthorised absence. It is well established that a person who ~~is absent~~^{is removed} from service forfeits his pension and gratuity and naturally the right to such a claim does not survive to the wife and the children of the employee. On this short ground the aforesaid prayer also fails. This application, therefore, fails and is rejected at the stage of admission with no order as to costs.

3. At this stage, learned counsel for the applicant mentions that the compassionate grant of Rs.1710/- which was given to her way back in the year 1986 is too meagre and is not in accordance with the rules and regulations. If that be the position, it will be open to the applicant to make a representation to the Railway Administration and seek for the augmentation of the compassionate grant already made provided if whatever has been granted earlier is found to be less than what the applicant is entitled to under the law. If the applicant makes such a representation within one month from the date of this order, the respondents on receipt of such a representation will dispose of the same within three months from the date of receipt of such representation. No costs.

TRUE COPY

Subrata
Subrata
3/95

Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

MEMBER (A)

Sd/-

Sd/-

V VICE CHAIRMAN