

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

Review Application No.5 of 1995 in

Second Floor,  
Commercial Complex,  
Indiranagar,  
BANGALORE - 560 033.

Dated: 15 MAR 1995

APPLICATION NO. 795 of 1994.

APPLICANT: Smt.C.H.Janaki,

V/S.

RESPONDENTS: Secretary,Deptt.of Telecommunications,  
New Delhi and another.

To

1. Sri.M.S.Anandaramu, Advocate,  
No.27, First Main,First Floor,  
Chandrashekhar Complex,  
Gandhinagar,Bangalore-9.

2.

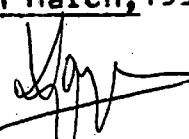
Subject:- Forwarding copies of the Orders passed by the  
Central Administrative Tribunal,Bangalore-38.

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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 Seventh March, 1995.

Issued on  
15/3/95

R. %

  
for DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

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)

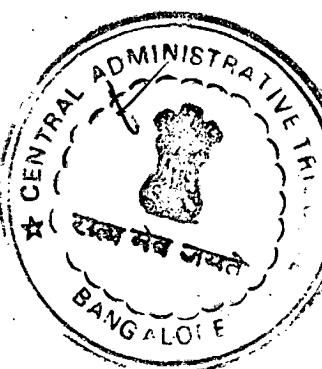
Vs.

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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~~ABG~~ 13/3/75  
Section Officer  
Administrative Tribunal  
angalore Bench  
Bangalore

U. S. S. S. R.  
VICE CHAIRMAN  
(P.K. SHYAMISUNJAR)

(10)

Annexure - Re 2

**CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH: BANGALORE**

**APPLICATION NO. 795/1994**

DATED THIS THE SIXTH DAY OF SEPTEMBER, 1994

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 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. Shyamsundar, Vice  
Chairman)

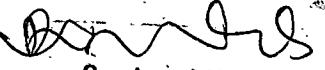
Heard Shri M.S. Anandaramu, learned counsel for  
the applicant. Learned Standing Counsel has filed his reply  
and the same is taken on record.

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 Seficulture department and is right now gainfully employed. In fact the situation as far as she is concerned is not as bad as it would 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.

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

TRUE COPY  
  
Section Officer  
Central Administrative Tribunal  
Bangalore Bench  
Bangalore

21/9/94

Sd —  
(P.K. SHYAMSUNDAR)  
VICE CHAIRMAN