

U.S

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD

* * *

D.A. 1108/93.

Dt. of Decision : 1.6.1994.

N. Rukmini Bai

.. Applicant

Vs

1. The Divisional Railway Manager,
SC Rly, Guntakal.

2. The Sr. Divisional Personnel
Officer, SC Rly, Guntakal.

.. Respondents.

Counsel for the Applicant : Mr. P.V.S.S.S. Rama Rao

Counsel for the Respondents: Mr. K. Ramulu, SC for Rlys.

CORAM:

THE HON'BLE SHRI A.B. GORTHI : MEMBER (ADMN.)

..2

Shal

OA No.1108/93.

Dt. of Order:1-6-94.

(ORDER PASSED BY HON'BLE SHRI A.B.GORTHI,
MEMBER (A)).

* * *

The applicant herein is the wife of Sri Krishna Singh who was working as Chief Clerk, Personal Branch, S.C.Railway, Guntakal. He had rendered more than 32 years of service in the Railway Administration but was missing from April, 1990. His whereabouts are not known even as on today. As the efforts made by the family members to trace the employee did not succeed, the matter was reported to the police on 1-9-91. The police officials after due investigation informed the applicant on 30-9-92 that her husband was "undetectable".

2. The request of the applicant is for grant of family pension and other benefits to her. She made a representation to the concerned authority on 2-7-91 but without any success.

3. The Respondents in their counter affidavit stated that as the employee was absent with effect from 21-4-90, disciplinary 1 Departmental Proceedings were initiated and held ex parte. At the end of the enquiry, the competent authority dismissed the employee from service. Accordingly the Respondents contend that the applicant is not entitled to any family pension.

4. Heard learned counsel for both the parties. Our attention has been drawn to the undermentioned policy letters issued by the Railway Board :-

- (i) F(E) III/86/PN-1/17 dt.19-9-86;
- (ii) F(E) III/86/PN-1/17 dt.27-3-91;
- (iii) No.E(D & A)/91/RG 6-41 dt.22-8-91.

5. The first policy letter dt.19-9-86 is to the effect that when an employee disappears leaving his family, the family can be given certain financial benefits. The grant of such financial benefits is subject to the following conditions :-

- i) The family must lodge a report with the concerned Police Station and obtain a report that the employee has not been traced after all efforts had been made by the police.
- ii) An Indemnity Bond should be taken from the nominees/dependents of the employee that all payments will be adjusted against the payments due to the employee in case he appears on the scene and makes any claim.

6. In the second policy letter dt.27-3-91, further clarifications have been given to the effect that the date of disappearance of the employee/pensioner will be reckoned from the date the first information report is lodged with the Police, and the period of one year after which the benefits of family pension and gratuity are to be sanctioned will also be reckoned from this date.

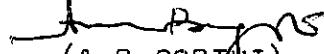
7. In the third policy letter, it has been categorically clarified that in case ~~whether~~ any disciplinary action had been initiated in respect of missing employee on the charges of absence without leave, the disciplinary proceedings as also penalty awarded shall have to be ~~enacted~~ ^{annulled} by the competent authority and action is required to be taken to treat the case as that of a missing employee for the purpose of grant of pensionary and other financial benefits to the family of the missing employee.

8. There is thus no dispute as to the ~~effect~~ ^{fact} that when ~~whether~~ an employee is missing, the family of the employee is entitled to certain financial benefits including family pension. The said benefits are required to be sanctioned to the family provided ofcourse the family complies with the conditions specified in the ~~various~~ ^{relevant} policy letters.

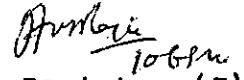
9. In view of the aforesated, this O.A. is disposed of with a direction to the Respondents to take prompt action ~~and~~ ^{and} to ~~enact~~ ^{cancel} the award of dismissal in terms of the Railway Board policy letter dt.22-8-91 and thereafter to take further action in terms of Railway Board's letter dt.19-9-86 and 27-3-91 for the purpose of settlement of all financial dues to the applicant. The Respondents

shall comply with ^{the} direction within a period of three months from the date of communication of this order.

10. The O.A. is ordered accordingly with no order as to costs.


(A.B. GORTHI)
Member (A)

Dt. 1st June, 1994.
Dictated in the Open Court.


Deputy Registrar (J) CC

To avl/

1. The Divisional Railway Manager,
S.C.Rly, Guntakal.
2. The Sr. Divisional Personnel Officer,
S.C.Rly, Guntakal.
3. One copy to Mr.P.v.S.S.S.Ram Rao, Advocate, CAT.Hyd.
4. One copy to Mr.K.Ramulu, SC for Rlys. CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

pvm

Starred
P.C.O. 6/6/94

TMED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR.A.B.G.RTHI : MEMBER(A)

AND

THE HON'BLE MR.T.CHANDRASEKHAR REDDY
MEMBER(CUDL)

AND

THE HON'BLE MR.R.RANGARAJAN : MEMBER(A)

Dated: 16 -1994.

~~ORDER/JUDGMENT:~~

M.A./R.A/C.A. No.

in

O.A.No. 1108/93.

T.A.No.

(W.P.)

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions
Dismissed.

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered.

No order as to costs.

pvm

