

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH. (31)

AT HYDERABAD.

O.A. 259 of 1994.

Between:

P.Kotamma,  
W/o.Late Sri P.Abraham,  
(Ex.Keyman of PWI/Donokonda)

Applicant.

and

Permanent Way Inspector,  
South Central Railway,  
And Brodners: Station

COUNTER X FILED ON BEHALF OF THE RESPONDENTS.

I, K.B.T.NAIK, Son of Takrya Naik, Aged about 43 Years  
Occupation: Government Service, do hereby solemnly affirm and  
state as follows:

I am working as Senior Divisional Personnel Officer, South  
Central Railway, Vijayawada in the office of the respondent No.4  
herein and dealing with the subject matter of the case. As such  
I am well acquainted with the facts of the case. I am filing this  
counter affidavit on behalf of all the respondents as I am author-  
ised to do so. All the material averments which are not specifica-  
lly admitted herein are deemed to be denied and the applicant is  
put to strict proof of all such averments which are deemed to be  
denied.

It is submitted that the applicants husband Sri P.Abraham  
while functioning as Keyman under PWI/DKD was removed from Service  
with effect from 29.7.82 after following the prescribed Discipline  
and Appeal rules. Having been removed from service he was not  
eligible under the rules for any pensionary benefits except for his  
own contribution for provident fund and his own other savings.

There was no claim for the dues from Shri P.Abraham and he  
died on 28.8.87. Subsequently the applicant herein represented as  
the wife of Shri P.Abraham for sanction of Pensionary benefits and  
she was paid Rs.2778/- the employee's own contribution for P.F.  
and Rs.49/- as GIS savings of the Employee. She was duly replied

Attestor.

Assistant Personnel Officer G&O  
S.C.Rly, VIJAYAWADA

Deponent.

१. म. कर्मिक अधिकारी  
२. म. रेलवे, /विजयवाडा  
Sr. Divl. Personnel Officer  
S. C. Rly, Vijayawada.

that her husband was removed from service and hence she was not entitled for grant of family pension or Ex.Gratia payment as per extant rules.

It is further submitted that no appeal against the order of removal was preferred by Shri P.Abraham. Shri P.Abraham made no representation for grant of compassionate allowance also which may be sanctioned under the discretion of the disciplinary authority in deserving cases. Hence no compassionate allowance was paid to him.

It is further submitted that the grant of family pension is regretted, since for the eligibility of family pension, her husband should have been received either Pension or compassionate allowance. The applicant is not even entitled for ex-gratia since the same is not admissible to the family of any employee who is removed from Service.

It is humbly submitted that the service records and relevant files of the employee except the Settlement file are not traceable in this office. It is further submitted that the Applicant's plea for revising and processing the DAR Proceedings concluded against her husband who ~~xxxxxxx~~ already expired is not admissible in Law. This Honourable Tribunal held in OA.826/93 that the cause of action in such cases does not survive to the family members.

In view of the above submissions it is clear that the applicant has not made out any case. Hence it is prayed that the Hon'ble Tribunal may be pleased to dismiss the O.A.

Solemnly affirmed and sworn on this  
10th day of October 1994  
 at Vijayawada, before me.

DEPONENT

Signature of Deponent  
 S. Divl. Personnel Officer  
 S. C. Rly, Vijayawada

ATTESTOR.

Signature of Attestor  
 Assistant Personnel Officer G&O  
 S.C. Rly, VIJAYAWADA

Handwritten note: *evenkatta malla zeddy standing counsel for Rly*