

(12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

R.A.P.NO.89 of 1995 in O.A.1080 of 1994.

Between

Dated: 21.12.1995.

Majeju Audilakshmi ... Petitioner/Applicant

And

Union of India- Rep. by:

1. Chief Project Manager, S.E.Railway, Visakhapatnam.
2. Divisional Railway Manager, S.E.Railway, Visakhapatnam.
3. Chief Project Manager, S.E.Railway, KRPU RGDA at Rayagada.

... Respondents

Counsel for the Applicant : Sri. Y.Suryanarayana

Counsel for the Respondents : Sri. V.Bhimanna, SC for Rlys.

CORAM:

Hon'ble Mr. A.B.Gerthi, Administrative Member

13

-2-

R.A. 89 /95
in
O.A. 1080/94.

Dt. of Decision : 21-12-95.

ORDER

¶ As per Hon'ble Shri A.B. Gorthi, Member (Admn.) ¶

Heard learned counsel on both sides.

2. This Review application is filed by the applicant in OA.No.1080/94. The prayer in the OA was for pensionary benefits due to the husband of the applicant and also for family pension to her on the death of her husband on 13-02-1992.

3. The employee who joined SC Railway as a Casual Khalasi on 01-01-1981 and was permanently absorbed in Class-IV service with effect from 16-05-1985. On the basis of these facts the department calculated the total qualifying service as six years and four months. employment.

4. Once again it has been argued that the department should have granted temporary status to the employee soon after completing 180 days ~~after having worked~~ as a casual mazdoor and had that been done and similarly had the employee been regularised from a date prior to the date when he was actually regularised, the employee would ~~not~~ ^{have} become entitled to pensionary benefits and consequentially the applicant would ~~not~~ ^{have} be entitled to pensionary benefits. In respect of the matter was taken into consideration in disposing of the OA. The applicant himself did not agitate the issue pertaining to late granting of ~~other~~ ^{extn} temporary status or regularisation to him or to the non-grant of pensionary benefits. It is now stated in the RA that the employee could not do so for the reason that he was sick. ^{May it} Might be so, but the fact remains that such matter pertaining

Copy to:-

1. Chief Project Manager, S.E.Railway, Visakhapatnam.
2. Divisional Railway Manager, S.E.Railway, Visakhapatnam.
3. Chief Project Manager, S.E.Railway, KRPU RGDA at Rayagada.
4. One copy to Sri. Y.Suryanarayana, advocate, CAT, Hyd.
5. One copy to Sri. V.Bhimanna, SC for Rlys, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

to the service conditions of the employee could be agitated by him only ^{this claim} and would abate on his death.

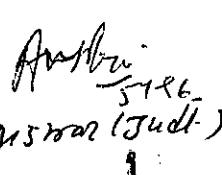
5. It was also stated in the RA that the Tribunal wrongly relied on the judgement in Ram Kumar & Ors. Vs Union of India & Ors (1987 (5) ATC 404). The facts in the case would clearly show that the respondents did count 50% judgement in Ram Kumar's case, merely indicates that casual labour granted temporary status is not entitled to the retiral benefit of pension as in the case of regular employees. But in view of the fact that the respondents took into consideration 50% of temporary service of the employee, reference to the judgement of Ram Kumar's case cannot be said to have prejudiced the case of the applicant in any manner.

6. While disposing of the DA, the ~~stand~~ ^{the above} taken was that as per the Family Pension Scheme ~~that~~ railway servants, 1964 reproduced as Rule 75 of the Railway Servants (Pension) Rules, 1995, family pension can be claimed only when the employee after retirement from service and on the date of death was in receipt/ As per the said rule position the applicant was not entitled to family pension and accordingly her case ~~for~~ family pension was rejected ~~in the DA~~. Nothing has been shown to us contrary to the rule position as stated in the Family pension Scheme for railway servants. In view of the above, I find no error apparent on the face of the record in the judgement, ^{Hence} this RA is dismissed. No costs.


(A.B. Gorodi)

Member (Admn.)

Dated : The 21st December 1995.
(Dictated in Open Court)


5186
D.Y. Registrar (Judd)

spr

contd... 4/

R.A-89/45
in
DA-1086/44

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

HYDERABAD BENCH HYDERABAD.

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

HON'BLE SHRI

DATED: 21/12/95

ORDER/JUDGMENT

M.A.NO./R.A./C.A.NO. 89/45

IN

D.A.NO. 1086/44

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

* * *

No Spare Copy

