

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL-APPLICATION-NO.240-of-1995

DATE-OF-ORDER:-14th-February, 1997

BETWEEN:

Smt.S.NEELA VENI

.. APPLICANT

AND

Union of India rep. by

1. The Chief Administrative Officer (Projects),
S.E.Railway, Bhubaneswar,
2. The Chief Project Manager (Con.),
S.E.Railway, Visakhapatnam-2,
3. The Divisional Railway Manager,
S.E.Railway,
Visakhapatnam.

...RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr.Y.SUBRAHMANYAM

COUNSEL FOR THE RESPONDENTS: Mr.C.V.MALLA REDDY, Addl.CGSC

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

HON'BLE SHRI B.S.JAI PARAMESHWAR, MEMBER (JUDL)

ORDER

ORDER (PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.))

Heard Mr.Y.Subrahmanyam, learned counsel for the applicant and Mr.C.V.Malla Reddy, learned standing counsel for the respondents.

2. The husband of the applicant in this OA was engaged as Casual Peon with effect from 20.3.67 under R-3.

R

D

He was brought on temporary status and he died on 23.3.74 without having been regularised. The facts of this case does not reveal the seniority unit in which the husband of the applicant was engaged. The learned counsel for the applicant submits that the deceased employee was eligible for posting against a regular vacancy of Peon and hence even though he ^{was} ~~had~~ not regularised, he should have deemed to have been fitted in that post as he has been screened. But no record to that effect has been produced. It is a mere verbal assertion. The OA also does not give even a slightest hint in regard to the assertion as above.

3. This OA is filed praying for a direction to the respondents to grant her family pension and DCRG as applicable to temporary railway servants as per rules and consequential benefits of arrears etc.

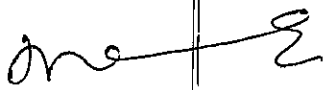
4. A Casual Labourer cannot be granted pension if he is not regularised. If an employee is not entitled for pension, his widow cannot claim family pension. The whole issue has been considered in depth in a similar case in OA 1289/96 decided on 10.1.97. As this is a similar case as that of the applicant in OA 1289/96, we see no reason to differ from that judgment.

5. In the result, the OA is dismissed. However, if the applicant submits a representation to the authorities to examine her case for grant of family pension taking recourse to Rule 107 of Miscellaneous Chapter XII of



Railway Servants (Pension) Rules, 1993 as a measure of social justice, the Railways may consider the same in accordance with rules. No order as to costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)
12/11/97


(R. RANGARJAN)
MEMBER (ADMN.)

DATED: 14th February, 1997
Dictated in the open court.

vsn


D.R. (J)

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..3..

O.A.NO. 240/95

Copy to:

1. The Chief Administrative Officer, (Projects),
South Eastern Railway, Bhubaneswar.
2. The Chief Project Manager (Con),
South Eastern Railway,
Visakhapatnam.
3. The Divisional Railway Manager,
South Eastern Railway,
Visakhapatnam.
4. One copy to Mr. Y. Subrahmanyam, Advocate,
45-58-7, Narasimhamnagar, Visakhapatnam.
5. One copy to Mr. C. V. Malla Reddy, Addl. CGSC,
CAT, Hyderabad.
6. One copy to D.R(A), CAT, Hyderabad.
7. One copy to Library, CAT, Hyderabad.
8. One duplicate copy.

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0/13/97

TYPED BY _____ CHECKED BY _____
COMPARED BY _____ APPROVED BY _____

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

AND

THE HON'BLE SHRI D.S. JAI PARAMESHWAR:
M(J)

DATED: 14/2/97

Order/Judgement
R.P/C.P/M.A.NO.

in

O.A.NO. 240(95)

~~ADMITTED AND INTERIM DIRECTIONS ISSUED~~
~~ALLOWED~~
~~DISPOSED OF WITH DIRECTIONS~~
~~DISMISSED~~ ✓
~~DISMISSED AS WITHDRAWN~~
~~DISMISSED FOR DEFAULT~~
~~ORDERED/REJECTED~~
~~NO ORDER AS TO COSTS.~~

II COURT

YLKR

