

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

ORIGINAL APPLICATION NO. 1502 OF 1996

DATE OF ORDER: 13th June, 1997

BETWEEN:

Mrs. D. MARY .. APPLICANT  
AND

1. Union of India represented by its  
Secretary to the Ministry of Railways,  
New Delhi,
2. The Chief Project Manager,  
Railway Electrification,  
BZA/Vijayawada,
3. The General Manager,  
South Central Railway,  
Secunderabad,
4. The General Manager,  
Railway Electrification,  
Allahabad. .. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr. G. V. SEKHAR BABU

COUNSEL FOR THE RESPONDENTS: Mr. K. SIVA REDDY, ADDL. CGSC

CORAM:

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

ORDER

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

None for the applicant. Heard Mr. K. Siva Reddy,  
learned standing counsel for the respondents.

2. This OA is posted for orders today. Even  
yesterday when it was posted for final hearing, the learned



counsel for the applicant was not present though urgency was expressed for hearing this OA. Even when it is posted for orders today, the counsel for the applicant is not present. I ~~thought~~ <sup>think that</sup> there is no need to adjourn this OA and dispose of this OA under Rule 15(1) of the Central Administrative Tribunal (Procedure) Rules, 1987.

3. The husband of the applicant joined as Casual Labour Khalasi on daily wages on 8.9.75. He was granted Temporary Status with effect from 1.1.84 vide letter No. VBRE/CLS/E/349 dated 14.10.86. He expired on 27.2.87 leaving behind his widow, the applicant herein, and three children. The applicant herein was engaged as Casual Labour Sweeper on daily wages after passing the medical test. She was paid an amount of Rs.1530/- towards Temporary Status arrears and also gratuity which were due to her late husband for the period from January 1984 to September, 1986.

4. This OA is filed praying for direction to the respondents to pay her family pension with effect from 28.2.87 and direct the respondents to pay the entire amount of leave salary and other terminal benefits with interest @ 12% per annum.

5. The relief asked for in this OA may be divided into two parts. they are:-

(i) The relief <sup>of</sup> for grant of family pension; and

(ii) the relief <sup>of</sup> for payment of leave salary.



6. The respondents in their reply submit that the husband of the applicant is not a temporary servant of the Railways and he had only attained the Temporary Status while working as Casual Labourer. Hence, the husband of the applicant is not entitled for family pension.

7. In a similar OA viz, OA No. 1289/96 decided on 10.1.97, the relief of grant of family pension was prayed for by the widow of one of the CPC Gangman, Mr.Appala Naidu, who died on 29.12.93. The circumstances in which <sup>present</sup> the applicant is placed are similar to the applicant in OA 1289/96. Under the same circumstances, the applicant herein also prays for grant of family pension quoting the various provisions in the Railway Manual, Code and also quoting the various decisions of the other Tribunals and the Apex Court.

8. In OA 1289/96 the various rules as incorporated in the Railway Manual, Code and the various instructions issued by the Railways from time to time were discussed very elaborately. The cases <sup>decided</sup> discussed by the other Tribunals and also the judgment of the Apex Court reported in 1996(1) SLR 28 (Prabhavati Devi v. Union of India) were also considered. After going through the position in that case, this Bench came to the conclusion that family pension cannot be granted to a widow of a deceased Temporary Status casual labourer. As the applicant in this OA as stated earlier is in similar circumstances, grant of family pension cannot be allowed for the reasons stated in OA 1289/96.

9. The second prayer of the applicant is for payment of cash equivalent of leave due to her husband. She stated that her husband is entitled for various types of leave like Casual Leave, Earned Leave, Medical Leave as he had completed more than 12 years of continuous service in terms of Rule 502 of Chapter 5 of Indian Railway Establishment Code, Vol.I (5th Edition-1985). There is no reply in this connection in the reply statement of the respondents. It is essential that this point has to be examined by the Railways especially <sup>by</sup> <sub>l</sub> R-2 and advice her suitably.

10. In the result, the OA is dismissed in regard to the relief for grant of family pension to the applicant, ~~in this OA~~. But we leave it to the authorities to examine her case if a request is received from the applicant herein for regularisation of the services of her <sup>husband</sup> <sub>husband</sub> and to grant family pension taking recourse to rule 107 of Miscellaneous Chapter XII of Railway Servants (Pension) Rules, 1993 as a measure of social justice. R-2 should examine the entitlement of the leave of the deceased husband of the applicant and advice the applicant suitably in this connection within a period of three months from the date of receipt of a copy of this order.

11. The OA is ordered accordingly. No order as to costs.

  
(R. RANGARAJAN)  
MEMBER (ADMN.)

DATED:-13th-June,-1997  
Dictated in the open court.

  
D. R. S.

(28)

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**Copy to:**

1. The Secretary to the Min. of Railways, New Delhi.
2. The Chief Project Manager, Railway Electrification, BZA/Vijayawada.
3. The General Manager, South Central Railway, Secunderabad.
4. The General Manager, Railway Electrification, Allahabad.
5. One copy to Mr.G.V.Sekhar Babu, Advocate,CAT, Hyderabad.
6. One copy to Mr.K.Siva Reddy, Addl.CGSC,CAT, Hyderabad.
7. One copy to D.R(A), CAT, Hyderabad.
8. One duplicate copy.

YLKR

10/7/97

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YLR

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD

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

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR M  
(2)

DATED

13/6/97

ORDER/JUDGEMENT

M.A./R.A/C.A. NO.

in  
D.A. NO. 1502/86

Admitted and Interim directions  
Issued.

Allied

Disposed of with directions,

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

YLKR

II Court.

