

(19)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.884/96

Date of Order: 25.7.96

BETWEEN:

Patti Seshamma

.. Applicant.

AND

1. Union of India, represented by
General Manager, S.C.Rly.,
Rail Nilayam, Secunderabad.

2. Divisional Railway Manager,
S.C.Rly., Vijayawada Division,
Vijayawada, Krishna Dist.

.. Respondents.

Counsel for the Applicant

.. Mr.G.Ramachandra Rao

Counsel for the Respondents

.. Mr.V.Rajeswara Rao

CORAM:

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

J U D G E M E N T

{ Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) }

Heard Mr.G.Ramachandra Rao, learned counsel for the
applicant and Mr.V.Rajeswara Rao, learned standing counsel
for the respondents.

2. The applicant is the wife of late Sri Ramulu who worked
as a casual labour under Inspector of Works STPM in Vijayawada
Division, S.C.Railway. It is further stated that he was
brought on the authorised scales of pay w.e.f. 10.10.65 as
per proceedings dated 4.7.66 issued by R2 herein. It is



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further added that he was absorbed on regular basis in the above capacity. But there is no proof in this connection to come to the conclusion that he was regularly absorbed. It is further averred that he retired from service on 30.6.81 on attaining the age of superannuation. It is noted from the facts of this case that her husband was given a service certificate by R2 herein. A copy of this certificate ^{is} filed as Annexure-2.

2. The reason for not granting him pension and other pensionary benefits if he is a regular staff is not understood. The learned counsel for the applicant submits that there is a railway board circular No.P(E) III-II/PWI/4, dated 3.3.88 (Serial Circular No.53/88 of Railway Board) and on the basis of that letter a similarly situated employee named Sri Venkateswarlu was given pension. But it is not understood why the applicant had not claimed his pension if he is not been paid pension earlier on the basis of the above ^{precedence} ~~presidence~~ in terms of the railway board's letter dated 3.3.88. The learned counsel for the applicant could not state any reason for the above query.

3. The applicant filed a representation for family pension by her representation dated 20.9.95 (A-4). In this petition she states that she had enclosed a copy of the C.A.T. judgement dated 3.2.93. No such copy of the judgement is enclosed in this OA. The learned counsel for the applicant also expresses ^{is produce} his inability ~~in regard to~~ the judgement referred to above. In view of the above circumstances ^{positive} ~~no~~ direction can be given in this OA.

4. It is stated that the applicant is an illiterate lady and it is also stated by the learned counsel for the applicant that he has taken up this case in view of the case having been

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referred to him by one of the members of the legal aid committee. In view of the above submission it is necessary for the respondents to reconsider the issue.

5. The learned standing counsel submits that the husband of the applicant had retired in 1981 and the representation at A-4 was filed only on 20.9.95. But it is stated by the learned counsel for the applicant that the applicant had filed a representation even earlier in the year 1989. But no such representation has been enclosed to the OA.

6. Under the above circumstances and in view of the facts that the applicant is illiterate and also poor and a sympathetic consideration is taken and the case is remitted back to R-2 to examine this case once again and take suitable measures as deemed fit.

7. The OA is ordered accordingly. No costs.



(R.RANGARAJAN)
Member (Admn.)

Dated: 25th July, 1996

(Dictated in Open Court)

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O.A.NO.884/96

Copy to:

1. The General Manager,
South Central Railway,
Railnilayam,
Secunderabad.
2. Divisional Railway Manager,
South Central Railway,
Vijayawada Division,
Vijayawada, Krishna District.
3. One copy to Mr.G.Ramachandra Rao, Advocate,
CAT, Hyderabad.
4. One copy to Mr.V.Rajeswar Rao, Addl.CGSC,
CAT, Hyderabad.
5. One copy to Library, CAT, Hyderabad.
6. One duplicate copy.

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COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH, HYDERABAD

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

DATED: 25/7/96

ORDER/JUDGEMENT

G.A. NO. / R.A. / C.P. No.

G.A. NO. ⁱⁿ 884/96

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

YLKR

II COURT

No Spare copy #/10 copy

