

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD
ORIGINAL APPLICATION NO. 108 of 1996

DATE OF ORDER: 21st August, 1996

BETWEEN:

Smt. Balamani .. Applicant

and

1. Union of India, rep. by
The General Manager, S.C.Rly,
Secunderabad,
2. The Workshop Personnel Officer,
Carriage & Wagon Workshop,
South Lalaguda, S.C.Railway,
Secunderabad. .. Respondents

COUNSEL FOR THE APPLICANT: SHRI S.RAMAKRISHNA RAO

COUNSEL FOR THE RESPONDENTS: SHRI J.R.GOPAL RAO, Addl.CGSC

CORAM:

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

JUDGEMENT

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

Heard Mr.S.Ramakrishna Rao, learned counsel for the applicant and Mr.Krishna Mohan for Mr.J.R.Gopal Rao, learned standing counsel for the respondents.

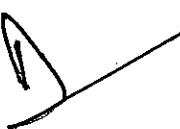
2. The applicant in this OA is the wife of one late Sri Yellaiah. Late Sri Yellaiah was recruited as casual monthly rated worker on 19.3.73 in the Lalaguda Workshop and later on he was regularised as B.T.Fitter w.e.f. 29.5.75 with Ticket No.69888 and was posted to work at Erecting Shop, South Lalaguda, S.C.Railway, Secunderabad.



It is stated that he had contacted tuberculosis disease and availed medical leaves every now and then for taking treatment on periodical intervals. He finally died on 27.8.82. The deceased employee is survived by his wife (the applicant herein), a son and a daughter. The applicant herein is reported to have been submitted representations on 6.2.95, 22.9.95 (A.2 and 3 respectively) for grant of family pension and also the P.F. of the deceased employee. It is stated that no reply was given to her in this connection.

3. This OA is filed praying for a direction to the respondents to grant all settlement dues of family pension, death gratuity, P.F., insurance amount and other service benefits like leave salary, bonus to the applicant with all attendant consequential benefits.

4. Notice before admission was given in this case on 31.1.96. This case came up for admission hearing on 28.2.96. It was ordered on that day that the counter shall be filed within 3 weeks as undertaken on behalf of Sri J.R.Gopal Rao, learned standing counsel for the respondents. It was necessary to expedite this case since this involves retiral benefits of a railway employee died as long back as 13 years ago and since the family is stated to be in considerable financial distress. It was further ordered on that day that the counter should be filed within the time indicated. On 22.3.96 when it came up once again for hearing the reply was not filed on that



(6)

day also. Hence the case was admitted and it was posted for final hearing on 4.4.96. After that date though more than 4 months had elapsed the reply has not been filed. Even today when the case came up for final hearing the learned standing counsel requests time for about a week to file a reply. But I consider that this request cannot be granted in view of the position explained as above. However I permitted him to submit on the basis of the parawise remarks available with him in this case.

5. As the reply is not filed yet and also due to the fact that the respondents have failed to respond to the representation even though it is stated without tangible proof that those representations are not received, I feel that it is a fit case to award cost in this OA to the applicant. Even though the learned standing counsel submitted that he will submit tomorrow in regard to awarding cost, I see no reason to hear further in this connection as awarding of the cost depends on the circumstances of the case and the respondents cannot say anything further other than what is stated above.

6. It is now submitted for the respondents that late Sri Yellaiah, husband of the applicant herein was removed from service from 22.11.81 vide proceedings No.EL/WEP/69888 dt. 17.12.81 (a copy of the removal order is taken on record). It is also seen from the remarks given in para-6 of the reply that the PF amount due to the deceased employee (Applicant's husband) already paid to



him directly. The learned counsel for the applicant submitted that PF amount had been paid to him when he was alive after removal from service w.e.f. 21.12.81 and his death on 27.8.82.

7. The draft copy of the reply statement has been taken on record also. The applicant cannot get any relief, so far the removal order is not set aside. However the applicant is at liberty to challenge the removal order in accordance with the law and if that removal order is set aside then she can request for payment of family pension in accordance with the rules and regulations. The respondents should send a copy of the removal order No.E1/WEP/69888, dt. 17.12.81 to the applicant herein to enable her to challenge that order by the applicant if she is so advised.

8. In the result, the OA is dismissed but this dismissal will not stand in the way of the applicant to challenge the removal order of the deceased employee in accordance with the rules. A copy of the removal order should be sent to the applicant for perusal. The respondents should pay an amount of Rs.500/- to the applicant for dragging her to the court due to their failure in informing her of the removal of her husband from service when she represented her case by representations referred to above.

One
(R.RANGARAJAN)
MEMBER (ADMN.)

DATED: 21st August, 1996
(Dictated in open court)

Ambedkar 6/8/96
Dy. Registrar (3)

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OA.108/96.

Copy to:-

1. The General Manager, S.C.Rly, Union of India, Sec'bad.
2. The Workshop Personnel Officer, Carriage & Wagon Workshop, South Lalaguda, S.C.Rly, Sec'bad.
3. One copy to Sri. S.Ramakrishna Rao, advocate, CAT, Hyd.
4. One copy to Sri. J.R.Gopala Rao, SC for Rlys, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-

9/9/96

DA 10846

Typed By
Compared by

Checked By
Approved by

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED:

ORDER/JUDGEMENT
R.A./C.P./M.A.NO.

D.A.NO:

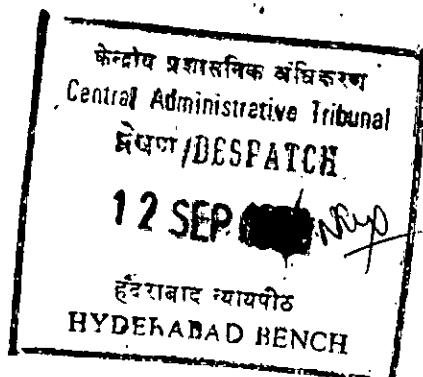
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ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED
DISPOSED OF WITH DIRECTIONS
DISMISSED
DISMISSED AS WITHDRAWN
ORDERED/REJECTED
NO ORDER AS TO COSTS.

YLKR

II COURT

No Spare Copy



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