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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH  
AT HYDERABAD.

..

O.A.No.896/97.  
- - - - -

Date of decision: 19th December, 1997.  
-

Between:

Smt. T.Nageswari. .. Applicant.

And

- 1.The Divisional Opefating Manager, South Central Railway, Vijayawada
- 2.Senior Divisional Operating Manager, South Central Railway, Vijayawada.
- 3.General Manager, South Central Railway, Rail Nilayam, Secunderabad.
- 4.Secretary, Railway Board, New Delhi.
5. Union of India, represented by the Secretary, Ministry of Railways, New Delhi.

Counsel for the applicant: SriCh.Veeranna.

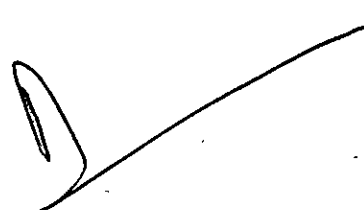
Counsel for the respondents:Sri N.R.Devaraj.

JUDGMENT.

(by Hon'ble Sri R. Rangarajan, Member (A)  
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Heard Sri Mrutyunjaya Rao for Ch.Veeranna for  
the applicant and Sri N.R.Devaraj for the respondents.

The applicant in this O.A., prays for a direction  
to the respondents to grant family pension to her  
from the date of the death of her husband, Sri Vittal Rao.



The applicant is the wife of one Sri T.Vittal Rao, Ex-TNC<sup>who</sup> was appointed as temporary Trains Clerk in the Vijayawada Division in the scale of Rs.110-180 on 14-4-1962. He was confirmed in that post on 14-4-1963. The husband of the applicant was removed from service on 22-3-1978. His Appeal, Revision Petition and Mercy Petition were all dismissed sometime late in 1979.

This O.A., is filed by the widow of the removed employee, Sri Vittal Rao. The husband of the applicant, Sri Vittal Rao died on 28-1-1991. His wife viz., the applicant herein submitted the O.A., for grant of family pension.

When the removal from service of her husband is not set aside, no relief can be given to the applicant in this O.A. The learned counsel for the applicant submits that he will amend the prayer for setting aside the removal<sup>of the husband of the applicant</sup> from service. The grounds ~~for removal~~ for setting aside the removal order are entirely different and ~~by~~ granting the prayer no grounds are made out by the applicant in this O.A. Hence the submission as above for amending the prayer cannot be accepted. Further that the order of removal from service is going to be challenged after 20 years. Hence a separate petition has also to be filed for condoning the <sup>delay</sup> ~~date~~ in filing the O.A. Hence, the learned counsel for the applicant is advised to file a separate O.A., challenging the removal


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of the applicant's husband from service together with a petition for condoning the delay in filing the O.A., if he is so advised, in accordance with law.

As the husband of the applicant had been removed from service which has been confirmed by the Appellate Authority, the relief as prayed for in this O.A., cannot be granted, till such time the removal order is set aside. Hence, I do not find any merit to allow this O.A., The O.A., is <sup>dismissed</sup> ~~dismissed~~. However, this dismissal shall not stand in the way of the applicant for filing a fresh O.A., for setting aside the removal order of the husband of the applicant from service.

With the above observations, the O.A., is disposed of. No costs.

  
R. RANGARAJAN,  
Member (A)

Date: 19--12--1997.  
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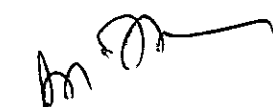
sss.

Dictated in open Court.

NOTE:

C.C. by Tuesday.  
(B.O.)



  
D. R.

DA.896/97

Copy to:-

1. The Divisional Operating Manager, South Central Railway, Vijayawada.
2. The Senior Divisional Operating Manager, South Central Railway, Vijayawada.
3. The General Manager, South Central Railway, Rail Nilayam, Secunderabad.
4. The Secretary, Railway Board, New Delhi.
5. The Secretary, Ministry of Railways, New Delhi.
6. One copy to Mr. Ch. Veeranna, Advocate, CAT., Hyd.
7. One copy to Mr. N.R. Devaraj, Sr. CGSC., CAT., Hyd.
8. One copy to D.R.(A), CAT., Hyd.
9. One duplicate.

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29/12/97  
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 PARAMESWAR :  
M(J)

Dated: 19/12/97

~~ORDER~~ / JUDGMENT

~~MA./R.A./C.A.No.~~

in  
D.A.No. 896/97

Admitted and Interim Directions  
Issued.

Allowed

~~Disposed of With Directions~~

~~Dismissed~~

~~Dismissed as Withdrawn~~

~~Dismissed for Default~~

~~Ordered/Rejected~~

~~No order as to costs.~~

SRR

II Court

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

प्रेषण/DESPATCH

26 DEC 1997

हैदराबाद ब्याचपीठ  
HYDERABAD BENCH