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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

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O.A.No.896/97.

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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.

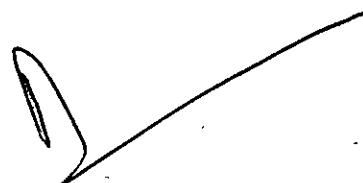
Counsel for the respondents:Sri N.R.Devaraj.

JUDGMENT.

(by Hon'ble Sri R. Rangarajan, Member (A))

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,
who
Ex-TNC 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 from
service. The grounds ~~for~~ ~~xx~~ for setting aside the
removal order are entirely different and ~~xx~~ 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 ~~delay~~ in filing
the O.A. Hence, the learned counsel for the applicant
is advised to file a separate O.A., challenging the removal

: 3 :

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 ~~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.

sss. Dictated in open Court.

NOTE:

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



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.

srr

29/12/92
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: 19/12/92

ORDER / JUDGMENT

M.A./R.A./C.A. No.

in
D.A.NO. 896 / 92

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 अधिकारण
Central Administrative Tribunal
DESPATCH

26 DEC 1992

हैदराबाद न्यायालय
HYDERABAD BENCH