

(6)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.7/97

Date of Order: 21.1.97

BETWEEN:

Smt. B. Venkateshamma

.. Applicant.

AND

1. The General Manager,  
S.C.Rly., Secunderabad.

2. The Divisional Railway Manager,  
S.C.Rly., Vijayawada.

.. Respondents.

Counsel for the Applicant

.. Mr. P. Naveen Rao

Counsel for the Respondents

.. Mr. K. Siva Reddy

CORAM:

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

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

JUDGEMENT

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

Heard Mr. P. Naveen Rao, learned counsel for the applicant and Mr. K. Siva Reddy, learned standing counsel for the respondents.

2. The applicant in this OA is the wife of one late B. Subba Rao who was initially appointed as a casual labour w.e.f. 10.9.66. The said employee died due to accident on 3.12.92 while he was working in the capacity of Welding Plant Driver. The husband of the applicant had attained the temporary status. The applicant was paid the terminal benefits due to the demise of her husband.

3. This OA is filed praying for a direction to the respondents to treat her husband as regular servant of railways and consequently declare the decision of the respondents contained in proceedings No. B/P.600/DOP/DPG/96, dt. 22.2.96

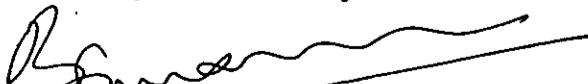
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(Page-9) denying the family pension to the applicant on account of the death of her husband and for a further consequential direction to the respondents to pay her the family pension from the date of the death of her husband.

4. Similar OA.1289/96 was filed on the file of this Bench. The prayer for family pension was considered by the Full Bench of this Tribunal and ~~after~~ consideration that case was remitted back to this Tribunal for consideration in regard to the regularisation of the husband of the applicant in that OA and on that basis decide the issue in regard to payment of family pension.

5. The case of the deceased employee who is the husband of the applicant in that OA was examined for his regularisation. In view of the reasons stated in the judgement in that OA dt. 10.1.97 the Tribunal had held that the husband of the applicant in that OA cannot be regularised as he died as a temporary status casual labour for the reasons stated in the judgement. The present OA is also for a similar prayer. The contentions are also same. Hence the OA has to fail. However the respondents have power to relax the rules for granting family pension on the basis of the deemed regularisation in terms of Rule 107 of the Miscellaneous Chapter 12 of the Railway Servants (Pension) Rules 1993 as a measure of social justice. Hence if the applicant submits ~~a~~ representation in this connection the respondents may consider her case taking recourse to Rule 107 of the Railway Servant (Pension) Rules 1993 on the basis of the merit of the representation.

6. In the result the OA is dismissed subject to the observation referred to above Rule 107 of Railway Servants (Pension) Rules 1993. No costs.

  
(B.S. JAI PARAMESHWAR )  
Member (Judl.)

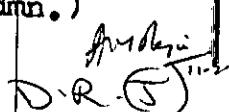
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sd

  
( R. RANGARAJAN )  
Member (Admn.)

Dated : 21st January, 1997

(Dictated in open court)

  
D.R. G

3.3..

O.A.NO.7/97

**Copy to:**

1. The General Manager, South Central Railway, Secunderabad.
2. The Divisional Railway Manager, South Central Railway, Vijayawada.
3. One Copy to Mr.P.Naveen Rao, Advocate,CAT, Hyderabad.
4. One copy to Mr.K.Siva Reddy, Addl.CGSC,CAT,Hyderabad.
5. One copy to D.R.(A),CAT,Hyderabad.
6. One copy to Library,CAT,Hyderabad.
7. One duplicate copy.

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THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDERABAD

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

AND

THE HON'BLE SHRI B.S.JH. PARAMESHWAR  
M(J)

DATED: 21/1/97

Order/Judgement  
R.P/C.P/M.A.NO.

·in

O.A. NO. 7197

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

II COURT

YCKR

## केन्द्रीय प्रशासनिक विभाग Central Administrative Institute.

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18 FEB 1997

हैदराबाद न्यायपीठ  
HYDERABAD BENCH