

20

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

DA.1374/97

Between:
M. Aamma

Dated: 8.1.1998
Applicant.

And

1. The Superintendent, Govt. Railway Dispensary, South Central Railway, Cuddapah.
2. The Railway Secretary, Govt. of India, New Delhi.
3. The Chief Personal Officer, South Central Railway, Railnilayam, Secunderbad.
4. The Divisional Railway Manager, South Central Railway, Guntakal Railway Division, Guntakal, Respondents.

Counsel for the Applicant : Miss. B. Malleswari, Not Present

Counsel for the Respondents : J. R. Gopal Rao

CORAM:

THE HON'BLE MR. H. RAJENDRA PRASAD : MEMBER (A)

* * *

THE TRIBUNAL MADE THE FOLLOWING ORDER:-

None present for the applicant. Heard Mr. J. R. Gopal Rao for the respondents.

Despite several opportunities provided counsel for the applicant has not put in her appearance. The case is dismissed for default.

*Andhra
8-1-97
Deputy Registrar (G)*

DA.1374/97

Copy to:-

1. The Superintendent, Govt. Railway Dispensary, South Central Railway, Guddapah.
2. The Railway Secretary, Govt. of India, New Delhi.
3. The Chief Personal Officer, South Central Railway, Railnilayam, Secunderabad.
4. The Divisional Railway Manager, South Central Railway, Guntakal Railway Division, Guntakal.
5. One copy to Miss B. Malleswari, Advocate, CAT., Hyd.
6. One copy to Mr. J.R. Gopal Rao, SC for Rlys, CAT., Hyd.
7. One copy duplicate.

srr

21/1/98
TYPED BY
COMPARED BY

I Court
CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE
VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

DATED: 8-1-1998

ORDER/JUDGMENT:

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

in
O.A. No. 1374/97

T.A. No.

(W.P.)

Admitted and Interim directions
Issued. ~~.....~~

Allowed

Disposed of with direction

Dismissed.

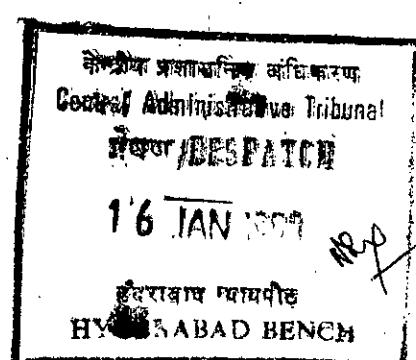
Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.



22

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

M.A.NO. 158/98 in O.A.1374/97.

Date of Order: 9-3-98

Between:

M.Adenma.

.. Applicant.

and

1. The Superintendent,
Govt. Railway Dispensary, SC Rly,
Cuddapah.
2. The Railway Secretary, Govt. of India,
New Delhi.
3. The Chief Personal Officer,
SC Rly, Railnilayam, Secunderabad.
4. The Divisional Railway Manager,
SC Rly, Guntakal, Railway Division,
Guntakal.

.. Respondents.

For the Applicant: Ms. B.Malleswari, Advocate.

For the Respondents: Mr.J.R.Gopal Rao, SC for Rlys.

CORAM:

THE HON'BLE MR.H.RAJENDRA PRASAD : MEMBER(ADMN)

The Tribunal made the following Order:-

Heard Mr.B.Ramana Murthy for Mrs.B.Malleswari

and Ms.Shakti for Mr.J.R.Gopal Rao for the Respondents.

In view of the circumstances explained in the M.A.
OA is restored to file. Ms.Shakti on behalf of Mr.J.R.Gopal Rao
submits that reply to ready to be filed in the main O.A. and the
same has been filed today. Thus the M.A. disposed of. List it
on monday b.e., 16-3-1998.


Deputy Registrar.

To

1. The Superintendent, Govt. Railway Dispensary
SC Rly, Cuddapah.
2. The Railway Secretary, Govt. of India, New Delhi.
3. The Chief Personal Officer, SC Rly, Railnilayam, Secunderabad.
4. The Divisional Rly. Manager, SC Rly, Guntakal, Rly. Division, Guntakal.
5. One copy to Ms.B.Malleswari, Advocate, CAT.Hyd.
6. One copy to Mr.J.R.Gopal Rao, SC for Rlys, CAT.Hyd.
7. One spare copy.

pvm

I Court

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE

VICE-CHAIRMAN

AND

THE HON'BLE MR.H.RAJENDRA PRASAD:M(A)

DATED: 9-3-1998

ORDER/JUDGMENT:

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

158/98

O.A.No.

1374/97

T.A.No.

(W.P.)

Admitted and Interim directions
Issued.

Allowed

list no 16/3/98

Disposed of with direction

Dismissed.

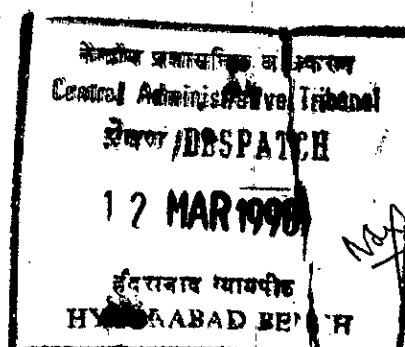
Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT HYDERABAD.

O.A. NO. 1374 OF 1997.

Between:

M. Adamma.

... Applicant.

And

Government Railway Dispensary,
Cuddapah Railways,
S.C.Railway,
Cuddapah & 2 others.

... Respondents.

REPLY STATEMENT FILED ON BEHALF OF THE RESPONDENTS

I, K. Venkateswarlu S/o. K. Thippanna etc; Govt.

Servant, R/o Guntakal do hereby solemnly affirm and state as follows:

- 1) I am working as Senior Divisional Personnel Officer South Central Railway, Guntakal division at Guntakal dealing with the subject matter of the case and as such I am well acquainted with the facts of the case. I am filing this reply statement on my behalf and of other respondents also as I am authorised to do so.
- 2) I submit that I have gone through the O.A. and submit that all the material allegations made therein are not true and correct and do not disclose any valid or tenable grounds to grant relief prayed for in the O.A. The material allocations made therein which are not specifically admitted herein shall be deemed to have been denied by the respondents.
- 3) In reply to paragraph-6 of the O.A it is submitted that the applicant Smt. M. Adamma, 's husband Sri M. Thirupaiu was appointed as sanitary khalasi, in South Central Railway Guntakal division under the control of Health Inspector/on pay Rs. 196 Scale Rs. 196-232 (RS) Mr. Sri. M. Thirupaiu has availed the following leave during the year 1974.

ATTESTOR.

Upasari
लोकाल कमिक आधिकारी
संविधान सभ्य रेलवे गुंतकल
Asst. Personnel Officer
S.C. Railway/Guntakal

K. Venkateswarlu
DEponent.

कर्मचारी कमिक आधिकारी
संविधान सभ्य रेलवे गुंतकल
Senior Divisional Personnel Officer
South Central Railway, Guntakal

11.2 //

26

04-01-74 to 15.1.74 = 12 LAP
23-02-74 to 26.2.74 = 04 Sick
10-03-74 to 14.03.74 = 05 Ab
01-04-74 to 06-04-74 = 06 Sick
07-04-74 to 16.04.74 = 10 Ab
26-04-74 to 05-05-74 = 10 LAP
26.05.74 to 27.05.74 = 02 Ab
02-06-74 to 07.06.74 = 06 Sick
21.06.74 to 23.06.74 = 03 Sick
28.06.74 to 16.10.74 = 111 Ab
17.10.74 to 16.11.74 = 30 Ab
31.01.74 to 04.02.75 = 05 LAP
05.02.75 to 08.06.75 = 124 Ab.

It could be seen from the above that the employee had availed LAP from 31.1.75 to 4.2.75 = 05 days and he was under unauthorised absence continuously from 5.2.75 onwards it clearly shows that the employee was not disappeared/missing from 1974 as stated by the applicant Smt.M.Adamma. As per Railway Boards letter No.F(E) II/86/PN-1/17 dated 19.9.86 (Serial Circular No.149/86), the benefits under settlement dues can be extended to the family members (as per the nomination made by the employee) duly observing the following formalities.

1. The family must lodge a report with the concerned police station and obtain a report that the employee has not been traced after all efforts had been made by the police.
2. An indemnity Bond should be taken from the nominee/dependents of the employee that all payments will be adjusted against the payments due to the employee in case he appears on the scene and makes any claim.
3. Also legal heir certificate has to be produced by Smt.Adamma for receiving the settlement dues.

ATTESTOR

लक्ष्मी कौमुदी आधिकारी
दीन मध्य रेलवे गुंतवण
Asst. Personnel Officer
S. C. Railway/Guntakal

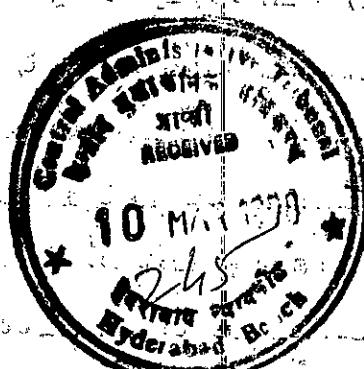
DE PONE NT

राष्ट्र मंडल दामिक अधिकारी
दीन मध्य रेलवे गुंतवण
Senior Divisional Personnel Officer
South Central Railway, Guntakal

In The Central Administrative Tribunal

At Hyderabad

O.A. No. 1374/97



Reply Statement

Received on - 9-3-1998

by
Ramanan Murthy
Advocate

Filed by : J. R. Gopala Rao
Standing Counsel for Railways

Filed on : 9-3-98

Received
9-3-98

11311

The Termination orders infavour of Sri M.Thirupal, was not issued by the administration since the FIR (First information report) report from the police has not been submitted by the family members till date. The question of issuing termination orders. In this connection Smt.M.Adamma wife of Sri M.Thirupalu has been advised to submit FIR report vide this office letter No.G/P.648/N.I.O.A/ 1374/97 dt.4.12.1997 to process the case for settlement dues.

4) In reply to para 6(b), It is submitted that as the FIR (First information report) from the police station as required under the rules, has not been submitted by the applicant, and Termination orders are not issued by the Railway Administration, the settlement dues may not be possible to arrange to the applicant. Death certificate submitted from Notary has no value and can't be taken as an authentic one. The death certificate has to be produced from the Revenue authority only. In the circumstances explained above Smt.M.Adamma, has to submit FIR report to this office for arranging settlements dues.

5) In reply to para 6(c) of the O.A., It is reiterated that on receipt of the relevant documents as already stated above such as FIR, indemnity bond and legal heir certificate etc. from the family members of Sri M.Thirupalu, the settlement dues and other benefits shall be extended as per the rules in force.

In view of the above stated facts and circumstances it is prayed that the Hon'ble Tribunal may be pleased to dismiss the O.A. No.1374/97 as advised on merits and pass such other order or orders as Hon'ble Tribunal may be deem fit and proper in circumstances of the case.

Sworn and signed
his signature on this
on day of 1998
in my presence.

ATTESTED.

Ujjwal
काम का आधुनिक
क्षमिता सद्य रेलवे गुरुत्व
Sr. Personnel Officer
C.G. Railway/Guntakal

SW
DEponent
काम का आधुनिक अधिकारी
क्षमिता सद्य रेलवे गुरुत्व
Senior Divisional Personnel Officer
Central Railway, Guntakal

Digitized by srujanika@gmail.com

સાંદ્રાંગ એલેક્ટ્રિકિસ્ટ્સ

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Writing for essay

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Through Sp. messenger

Police Department

From:

Sri Govind Singh, IPS.,
Supdt. of Police,
C U D D A P A H.

To:

The Standing Counsel,
for the State of A.P.,
H Y D E R A B A D.

C. No. 1986/C1/98 dated, 6-8-98.

Sir,

Sub:- Miscellaneous application No.346/98 in
Original Application No.1374/97 filed by
Smt. M. Ademma - Report sending of - Reg.

Ref:- 1. R.A. No.346/98 in O.A. No.1374/97 in
Central Administrative Tribunal, Hyd.
2. Telegram dt.5-8-98 of Sri P. Naveen Rao
Spl. Counsel to A.P. and Govt. Pleader APAT
Hyderabad.

• • •

I am to state that old records of Cuddapah I Town P.S.
have been verified and found no case under man missing was
registered on the complaint of Smt. M. Ademma regarding missing
of her husband. This fact may please to brought to the notice
of the Central Administrative Tribunal, Hyderabad.

Yours faithfully,

A. Sekhota
for Supdt. of Police,
C U D D A P A H.
6-8-98

29

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH;

AT HYDERABAD

O.A.No.1374 OF 1997.

Date of Order:14-8-1998.

Between:

M.Ademma.

.. Applicant

and

1. The Superintendent, Govt. Railway Dispensary, Cuddapah S.C.Railway, Cuddapah District.
2. The Railway Secretary, Govt. of India, New Delhi.
3. The Chief Personal Officer, South Central Railway Department, Rail Nilayam, Secunderabad.
4. Divisional Railway Manager, S.C.Railways, Guntakal Railway Division, Guntakal.
5. The District Superintendent of Police, District Police Office, Cuddapah, Govt. of A.P., Cuddapah District.
6. The Mandal Revenue Officer, Govt. of A.P. Revenue Department, Cuddapah, Cuddapah District.

(Note: Respondent no.5 and 6 impleaded, vide Order of Court dt:14-8-1998 in MA.No.346 of 1998).

.. Respondents

COUNSEL FOR THE APPLICANT :: Mrs.B.Malleswari

COUNSEL FOR THE RESPONDENTS: Mr.J.R.Gopala Rao, SC for Rly.
: Mr.P.Naveen Rao, S.C. for AP.

CORAM:

THE HON'BLE SRI H.RAJENDRA PRASAD, MEMBER (ADMN)

: ORDER :

ORAL ORDER (AS PER HON'BLE SRI H.RAJENDRA PRASAD, MEMBER (A))

Heard Mr.B.Ramana Murthy for Mrs.B.Malleswari for the Applicant, Ms.Shakti for Mr.J.R.Gopala Rao, the learned Standing Counsel for Railways, and Mr.Phaniraj for Mr.P.Naveen-Rao on behalf of the State Government.

.....2

2. The applicant is the wife of one M.Thirupalu, who is said to have been employed as Sweeper several years ago. It is stated that he disappeared from his house some time in 1974, and has not been seen since. Thereafter, the applicant had been making representations to the authorities for the grant of Family Pension and such other benefits as may have been due to her husband on the assumption that his whereabouts were not known and that he was untraceable for long years. Her request was turned down by the Respondents since the applicant could not furnish any salient details of the service of her missing husband. They were not in a position, moreover, to decide whether she was requesting for Family Pension or Exgratia Pension, and nothing could, therefore, be decided without knowing the full particulars of Thirupalu's service under them.

3. In their counter-affidavit the Respondents, however, admit that the said Thirupalu was appointed as Sanitary Khalasi in South Central Railway in Guntakal Division, and was seen to be frequently on leave or absent due to sickness. They were unable to proceed in the matter because the family of the missing employee did not seem to have lodged any complaint with the concerned Police Station and to obtain thereafter a report from the Police authorities that the missing employee had not been traced despite efforts made in this regard. No FIR seemed to have been lodged with the Police Station at all and it was, therefore, not found possible to arrange for the ^{any} settlement of dues or to sanction kind of pension. The

8/11/8

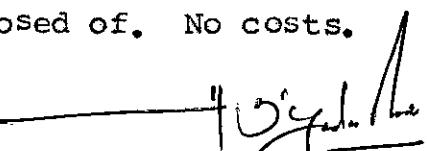
.....3

Death Certificate, issued by a notary, was of no value and inadmissible for the purposes of grant of relief being claimed.

4. It is submitted by the applicant that she had made a complaint to the Superintendent of Police, Cuddapah, on 16-6-1988 and 6-1-1989, and that she was asked by the District Police office, vide their letter No.B2/585/89, dated 21-4-1989 to register a complaint with One Town Police Station, Cuddapah. It is, however, revealed by the Superintendent of Police, Cuddapah in his letter No. C.No.1986/C1/98, dated 6-8-1998, which is produced by the learned Additional Standing Counsel for the Government of A.P., that old records of Cuddapah I Town Police Station had been verified but no case was found under missing persons category in respect of the applicant's husband. The learned Counsel for the applicant now produces a complaint dated 16-6-1988 to the same Superintendent of Police, a copy of which was duly submitted, among others, to Circle Inspector, I Town Police Station.

5. It has not so far been established on account of police enquiry that Thirupalu was not traceable and because of this the respondents are not able to proceed further in the matter. It is open to the applicant to pursue the case with the concerned Police-authorities with a view to getting an enquiry made and obtaining a report concerning her missing husband. On getting such a report she will have to approach the authorities with a suitable request in regard to her claims, and the same shall be examined by the Respondents.

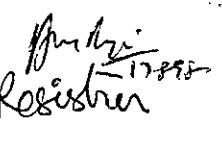
6. Thus the OA is disposed of. No costs.


(H. RAJENDRA PRASAD)
MEMBER (ADMN)

DSN

Dated this the 14th day of August, 1998

Dicated to steno in the open Court


D. Rajendra Prasad
By. Registrar

O.A.1374/97.

To

1. The Superintendent, Govt. Rly. Dispensary, Cuddapah SC Rly Cuddapah Dist.
2. The Railway Secretary, Govt. of India, New Delhi.
3. The Chief Personal Officer, SC Rly Dept., Railnilayam, Secunderabad.
4. The Divisional Railway Manager, SC Rlys, Guntakal Railway Division, Guntakal.
5. The District Superintendent of Police, Dist. Police Office, Cuddapah, Govt. of A.P. Cuddapah Dist.
6. The Mandal Revenue Officer, Govt. of A.P. Revenue Dept. Cuddapah, Cuddapah Dist.
7. One copy to Mr. B. Malleshwari, Advocate, CAT. Hyd.
8. One copy to Mr. J. R. Gopal Rao, SC for Rlys, CAT. Hyd.
9. One copy to Mr. P. Naveen Rao, Spl. Counsel for A.P. Govt. CAT. Hyd.
10. One copy to HHRP.M. (A) CAT. Hyd.
11. One copy to DR(A) CAT. Hyd.
12. One spare copy.

pvm.

C.C. Reg 17/8/98
17/8/98

Received
in C.O. section
TYPED BY
COMPARED BY

I COURT
at 3:15 P.M.
at 3:25 for approval
CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE

VICE-CHAIRMAN
AND

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

DATED: 17-8-1998.

ORDER/JUDGMENT

M.A./R.A./C.A.NO.

in

O.A.No. 1374/97

T.A.No. (w.p.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions

Dismissed.

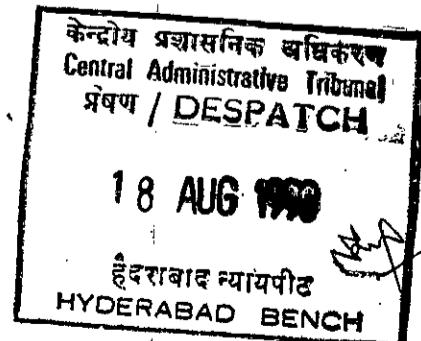
Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.



APPLICATION FILED UNDER RULE 15 (1) OF CENTRAL ADMINISTRATIVE
RULES, 1987

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD.

M.A.NO. 158 OF 1998

IN

O.A.NO. 4374 OF 1997.

BETWEEN:

M. Ademma.

..APPLICANT

AND

1. The Superintendent, Govt. Railway Dispensary,
South Central Railway, Cuddapah and 3 Others. ..RESPONDENTS

CHRONOLOGICAL EVENTS

Sl.No.	Description	Annex.No.	Page.No
1.	Miscellaneous Application		1 to 2
2.	Order Copy of the Hon'ble Tribunal.		3

B. Halleswar,
COUNSEL FOR THE APPLICANT

M. S. 205/
SIGNATURE OF THE APPLICANT

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD

M.A.NO. 158 OF 1998

IN

O.A.NO. 1374 OF 1997

BETWEEN:-

M.Ademma, Age, 50 Years,
W/o. M.Tirupalu,
Dr.No. 1/306-B,
Yerramukka Palli,
Cuddapah.

..APPLICANT

AND

1. The Superintendent,
GOVt. Railway Dispensary,
South Central Railway,
Cuddapah.
2. The Railway Secretary, Govt. of India,
New Delhi.
3. The Chief Personal Officer,
South Central Railway,
Railmiliyam, Secunderabad.
4. The Divisional Railway Manager,
South Central Railway, Guntakal
Railway Division, Guntakal.

.. RESPONDENTS

BRIEF FACTS OF THE CASE

The main O.A. is filed questioning the
inaction of the respondents in not releasing the Family
Pension to the Applicant.

1. It is submitted, I am the Applicant in the
main O.A. No. 1374/97. I filed the above O.A. to release
the Family Pension, Pension benefits under the Compassionate
Pension scheme. It is submitted that when the case is coming
for Admission on 21/10/97, The Hon'ble Bench of this Tribunal
ordered Notice Before Admission and post after 6 weeks. Again
it was adjourned and posted after 3 weeks on 17/12/97. It is
submitted after completion of 3 weeks it was coming the list
and the same was not known to my counsel, because he is
out of Station for a period one week. Therefore he is not

appeared on 8/1/1998 , when the case is called for due to Non appearance of my Counsel, the Hon'ble Bench of this Tribunal, Dismissed the O.A. for Default on 8/1/1998. It is submitted when they verified in the section it was dismissed for default on 8/1/1998 and the same may be informed to me after receiving the order copy dt. 13/1/98.

2. It is submitted that due to Non-appearance of my counsel, the case was dismissed for default. Immediately after receiving the same from my counsel, I rush to approach before this Tribunal for filing the restoration petition Under Rule 15 , Sub Rule 2 of Central Administrative Tribunal Act Rules 1987. It is submitted that unless the case is restored I will be put to severe and irreparable loss.

3. RELIEF: Under these circumstances it is Prayed that the Hon'ble Tribunal may be pleased to Restore the case and hearing the case on merits and pass such other order or orders as the Hon'ble Tribunal may deems fit and proper under the circumstances of the case.

VERIFICATION

aged 50 Years
I, M. Ademma, above named applicant do hereby declare that the paras set out above in true to my knowledge and belieiving to be true on the legal advice of S. M. Ademba my counsel, and that I have not Suppressed any material fact.

Counsel for Applicant.

M. Ademba
Signature of the Applicant.

- 3 -

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
HYDERABAD
O.A.NO. 1374/97

BETWEEN:

Dated: 8-1-1998.

M.Ademma.

.. Applicant.

And

1. The Superintendent, Govt. Railway Dispensary,
South Central Railway, Cuddapah.

2. The Railway Secretary, Govt. of India,
New Delhi.

3. The Chief Personal Officer,
South Central Railway, Railnilayam,
Secunderabad.

4. The Divisional Railway Manager,
South Central Railway, Guntakal
Railway Division, Guntakal.

.. RESPONDENTS

Counsel for the Applicant : Miss. B.Malleswari. Not Present.

Counsel for the Respondents : J.R.Gopal Rao.

CORAM:

THE HON'BLE MR. H.RAJENDRA PRASAD : MEMBER (A)
* * *

THE TRIBUNAL MADE THE FOLLOWING ORDER:-

None Present for the applicant. Heard Mr.J.R.Gopal
Rao for the respondents.

Despite several opportunities Provided counsel for
the applicant has not put in her appearance. The case is
dismissed for default.

Sd/- xx

DR(J)

Certified to be True Copy
SSd/-

Dt. 13/1/98

- - - -

एकल उदाय केता
SINGLE MEMBER CASE

पूजरी गति **DUPLICATE**
HARF

रेलवे/RAILWAY

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH, HYDERABAD.

M.A. NO.

158

of 11998

IN

O.A. NO.

1374 | 1998

Restoration Petition

Mr. B. Mallaywari

COUNSEL FOR THE APPLICANTS.

AND

Mr. J. R. Gopal Rao

MR. ADDL. STANDING COUNSEL FOR C.G. RLYS.

APPLICATION FILED UNDER RULE 15 (1) OF CENTRAL ADMINISTRATIVE
RULES, 1987

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD.

M.A.NO. 158 OF 1998

IN

O.A.NO. 1374 OF 1997.

BETWEEN:

M. Ademma. ..APPLICANT

AND

1. The Superintendent, Govt. Railway Dispensary,
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CHRONOLOGICAL EVENTS

Sl.No.	Description	Annex.No.	Page.No
1.	Miscellanious Application		1 to 2
2.	Order Copy of the Hon'ble Tribunal.		3

B. Hallegowri.

COUNSEL FOR THE APPLICANT

m. e. 2006

SIGNATURE OF THE APPLICANT

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD

M.A.NO. 158 OF 1998

IN

O.A.NO. 1374 OF 1997

BETWEEN:-

M.Ademma, Age. 50 Years,
W/o. M.Tirupalu,
Dr.No. 1/306-B,
Yerramukka Palli,
Cuddapah.

..APPLICANT

AND

1. The Superintendent,
GOVT. Railway Dispensary,
South Central Railway,
Cuddapah.
2. The Railway Secretary, Govt. of India,
New Delhi.
3. The Chief Personal Officer,
South Central Railway,
Railmiliyam, Secunderabad.
4. The Divisional Railway Manager,
South Central Railway, Guntakal
Railway Division, Guntakal.

.. RESPONDENTS

BRIEF FACTS OF THE CASE

The main O.A. is filed questioning the in action of the respondents in not releasing the Family Pension to the Applicant.

1. It is submitted, I am the Applicant in the main O.A. No. 1374/97. I filed the above O.A. to release the Family Pension, Pension benefits under the Compassionate Pension scheme. It is submitted that when the case is coming for Admission on 21/10/97, The Hon'ble Bench of this Tribunal ordered Notice Before Admission and post after 6 weeks. Again it was adjourned and posted after 3 weeks on 17/12/97. It is submitted after completion of 3 weeks it was coming the list and the same was not known to my counsel, because he is out of Station for a period one week. Therefore she is not

appeared on 8/1/1998 , when the case is called for due to Non appearance of my Counsel, the Hon'ble Bench of this Tribunal, Dismissed the O.A. for Default on 8/1/1998. It is submitted when they verified in the section it was dismissed for default on 8/1/1998 and the same may be informed to me after receiving the order copy dt. 13/1/98.

2. It is submitted that due to Non-appearance of my connsel, the case was dismissed for default. Immediately after receiving the same from my counsel, I rush to approach before this Tribunal for filing the restoration petition Under Rule 15 , Sub Rule 1 of Central Administrative Tribunal Act Rules 1987. It is submitted that unless the case is restored I will be put to severe and irreperable loss.

3. R RELIEF: Under these circumstances it is Prayed that the Hon'ble Tribunal may be pleased to Restore the case and hearing the case on merits and pass such other order or orders as the Hon'ble Tribunal may deems fit and proper under the circumstances of the case.

VERIFICATION

I, M.Ademma, above named applicant aged 50 Years do hereby declare that the paras set out above in true to my knowledge and beleiving to be true on the legal advice of my counsel. and that I have not suppressed any material fact.

B. Halleewan
Counsel for Applicant.

M 82056
Signature of the Applicant

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

HYDERABAD

O.A.NO. 1374/97

BETWEEN:

Dated: 8-1-1998.

M. Ademma.

... Applicant.

And

1. The Superintendent, Govt. Railway Dispensary,
South Central Railway, Cuddapah.

2. The Railway Secretary, Govt. of India,
New Delhi.

3. The Chief Personal Officer,
South Central Railway, Railnilayam,
Secunderabad.

4. The Divisional Railway Manager,
South Central Railway, Guntakal
Railway Division, Guntakal.

.. RESPONDENTS

Counsel for the Applicant : Miss. B. Malleswari. Not Present.

Counsel for the Respondents : J.R. Gopal Rao.

CORAM:

THE HON'BLE MR. H. RAJENDRA PRASAD : MEMBER (A)
* * *

THE TRIBUNAL MADE THE FOLLOWING ORDER:-

None Present for the applicant. Heard Mr. J.R. Gopal
Rao for the respondents.

Despite several opportunities Provided counsel for
the applicant has not put in her appearance. The case is
dismissed for default.

Sd/- xx

DR (J)

Certified to be True Copy
SSd/-

Dt. 13/1/98

Redecoration Pet.

CENTRAL ADMINISTRATIVE TRIBUNAL AT

HYDERABAD

M.A.NO.

OF 1998

IN

O.A.NO. 1374

OF 1997

RESTORATION APPLICATION

U/ RULE 15⁽²⁾ OF C.A.T. RULES

1987



FILED ON: 9-2-1998

FILED BY:

MS. B. MALLESHWARI

B. RAMANA MURTHY.

ADVOCATES

COUNSELS FOR APPLICANT

Copy recd
regards
SC for Ruby
28/2

my signed
9/2/98
B.R.M.

9/3/98 M.A. 158/98
O.A. 1374/98

एकांक सत्रज्य केस
SINGLE MEMBER CASE

HHRP

ORIGINAL

Heard Mr. B. Rama Rao Murthy for
Mrs. B. Mallikarjuna and Ms. Shakti
for Mr. J.R. Gopal Rao for the
Respondent.

In view of the circumstances
explained in the M.A. O.A
is restored to file. Ms. Shakti
on behalf of Mr. J.R. Gopal Rao
submits that reply is ready
to be filed in the main O.A
and the ^{same} has been filed
today. ^{Thus the m.s. disposed of}
I hear it on Monday.
i.e., 16/3/98.

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH, HYDERABAD.

M.A. No.

158

of 11998

IN

O.A. No.

1374

1998

16/3/98
HHRP
MCA

Restoration Petition

Mrs. B. Mallikarjuna

COUNSEL FOR THE APPLICANTS.

AND

Mr. J.R. Gopal Rao

Sr. ADDL. STANDING COUNSEL FOR C.G. RLYS.

APPLICATION FILED UNDER RULE 21, OOF CENTRAL ADMINISTRATIVE
RULES, 1987

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD

M.A.NO. 366 OF 1998

IN

O.A.NO. 1374/97

BETWEEN

M. Adenna.

.. APPLICANT

AND

1. The Superintendent, Govt. Railway
Dispensary, South Central Railway,
Cuddapah and 3 others. .. RESPONDENTS

CHRONOLOGICAL EVENTS

Sl.No.	Description	Page	Annexure
1.	Miscellaneous Application	1 to 2	
2.	Original Application	1 to 13	T

J. Mallewar.

COUNSEL FOR THE APPLICANT

366/98

SIGNATURE OF THE APPLICANT.

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL AT HYDERABAD

M.A.NO. 366 OF 1998

IN

O.A.NO. 1374 OF 1997

BETWEEN:

M.Ademma, Age, 50 Years,
W/o. M.Tirupalu,
D.No. 1/306-B,
Yerramukkapalli,
Cuddapah.

.. APPLICANT

AND

1. The Superintendent, Govt. Railway Dispensary,
Cuddapah Railways, Cuddapah dist.
2. The Railway Secretary, Govt. of India,
New Delhi.
3. The Chief Personal Officer,
South Central Railway Department,
Rail Nilayam, Secunderabad.
4. Divisional Railway Manager, S.C.Railways,
Guntakal Railway Division, Guntakal.
5. The District Superintendent of Police,
District Police Office, Cuddapah, Govt. of A.P.,
Cuddapah District.
6. The Mandal Revenue Officer, Govt. of A.P.,
Revenue Department, Cuddapah,
Cuddapah District.

Replies 16/4

... RESPONDENTS.

Set

BRIEF FACTS OF THE MISCELLANIOUS APPLICATION

The main O.A. is filed questioning the in action of the respondents in not releasing the Family Pension to the Applicant.

1. It is submitted that, I am the Applicant in the main O.A.NO. 1374/97 and Applicant in the present M.A.. It is submitted that, I am the applicant herein and I filed O.A. for release the Family Pension and pensionary benefits. It is submitted that the Applicant's husband M.Tirupalu was working as sweeper under the Ist respondent, i.e. the Superintendent the Government Railway Dispensary, Cuddapah Railways, Cuddapah. While he was working as sweeper under the Ist respondent, he suddenly disappeared in the year 1974 and his whereabouts are not known so far. It is submitted that after he absconded from his service, the wife of the deceased employee, applicant herein made number of representations before the respondents in the main O.A. about to release his family pension and other benefits as per rules. The 4th respondent in the main O.A. gave a reply by its letter No.G/R 500/General/PI, dt. 18/2/88 was rejected on the ground the applicant has not furnished any details of her missing husband, and his service particulars and the applicant lodge police complaint, before

concerned police station about her absconded husband where abouts are not known so far.

2. It is submitted that basing on the 4th respondent's proceedings, the applicant made a complaint before District Police Superintendent Officer, Cuddapah, Dt. 16-6-88 i.e. the 5th respondent in the present Miscellaneous Applications to find out where about her husband. Then the 5th respondent gave a reply to the applicant for making complaint before the Circle Inspector, I town Police Station, Cuddapah, Cuddapah Dist. It is submitted that the applicant was already made a complaint before the Circle Inspector, I Town Police Station Cuddapah, Cuddapah Dist. But they have not taken any steps to find out where about her husband.

3. It is submitted that the applicant made representations, dt. 21-12-1993 and 2-12-1994 before the 6th respondent in the present M.A. for releasing Legal Heir Certificate. But so far the 6th respondent herein has not issued the Legal Heir Certificate till today.

4. It is submitted that the Applicant has not made a parties as Respondents in the main O.A.. It is submitted that under these circumstances stated above, ^{5th & 6th} these two respondents in the present M.A. are necessary parties in the present main O.A. Therefore these two respondents may be Implead as Respondents 5 and 6 as necessary parties in the main O.A.

5. RELIEF: It is therefore Prayed that this Hon'ble Tribunal may be pleased to Implead the above 5 and 6 respondents in the present M.A. as Respondents 5 and 6 in the Main O.A. No. 1374/97 and pass such other order or orders as the Hon'ble Court may deems fit and proper under the circumstances of the case.

VERIFICATION

I, M. Adamma, aged. 50 Years, above named applicant do hereby declare that the paras set out above in true to my knowledge and believing to be true on the legal advice of my counsel and that I have not suppressed any material facts

S. Haleswari
Counsel for the Applicant

El. 2005
Signature of the Applicant

CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD

M.A.NO.

OF 1998

IN

O.A.NO.

1374

OF 1997

IMPLEAD MISCE. APPLICATION



FILED ON 15-4-1998
FILED BY:

M/S. MS. B. Malleeswari,
B. Rama Rao Murthy,
Advocates
COUNSEL FOR APPLICANT

द्वितीय प्रति DUPLICATE

एकल सुनिश्चित
SINGLE MEMBER CASE
RAILWAY
CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH, HYDERABAD

M.A. No. 346 of 1998

IN

O.A. No. 1374 of 1998

Impaled Petitions

Smt. B. Mallaywari

COUNSEL FOR THE APPLICANTS.
AND

Mr. J.R. Gopala Rao

Sr. ADDL. STANDING COUNSEL FOR C.G.Rly.

Mr. P. Navaneeth Rao

APPLICATION FILED UNDER RULE 24 OF CENTRAL ADMINISTRATIVE
RULES, 1987

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD

M.A.NO. 346 OF 1998

IN

O.A.NO. 1374/97

BETWEEN:

M. Ademma. .. APPLICANT

AND

1. The Superintendent, Govt. Railway
Dispensary, South Central Railway,
Cuḍdāpah and 3 others. .. RESPONDENTS

CHRONOLOGICAL EVENTS

Sl.No.	Description	Page.	Annexure
1.	Miscellaneous Application	1 to 2	
2.	Original Application	1 to 13	

R. Mallewar,
COUNSEL FOR THE APPLICANT

SIGNATURE OF THE APPLICANT.

26.0. Paid.
Dr. S. S. M. S.
No. 1100735

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL AT HYDERABAD

M.A.NO. 306 OF 1998

IN

O.A.NO. 1374 OF 1997

BETWEEN:

M.Ademma, Age. 50 Years,
W/o. M.Tirupalu,
D.No. 1/306-B,
Yerramukkapalli,
Cuddapah.

.. APPLICANT

AND

1. The Superintendent, Govt. Railway Dispensary, Cuddapah Railways, Cuddapah dist.
2. The Railway Secretary, Govt. of India, New Delhi.
3. The Chief Personal Officer, South Central Railway Department, Rail Nilayam, Secunderabad.
4. Divisional Railway Manager, S.C.Railways, Guntakal Railway Division, Guntakal.
5. The District Superintendent of Police, District Police Office, Cuddapah, Govt. of A.P., Cuddapah District.
6. The Mandal Revenue Officer, Govt. of A.P., Revenue Department, Cuddapah, Cuddapah District.

Respondents 1 to 5

Proposed

.. RESPONDENTS 6 to 10

BRIEF FACTS OF THE MISCELLANEOUS APPLICATION

The main O.A. is filed questioning the in action of the respondents in not releasing the Family Pension to the Applicant.

1. It is submitted that, I am the Applicant in the main O.A.NO. 1374/97 and Applicant in the present M.A.. It is submitted that, I am the applicant herein and I filed O.A. for release the Family Pension and pensionary benefits. It is submitted that the Applicant's husband M.Tirupalu was working as sweeper under the 1st respondent, i.e. the Superintendent, the Government Railway Dispensary, Cuddapah Railways, Cuddapah. While he was working as sweeper under the 1st respondent, he suddenly disappeared in the year 1974 and his whereabouts are not known so far. It is submitted that after he absconded from his service, the wife of the deceased employee, applicant herein made number of representations before the respondents in the main O.A. about to release his family pension and other benefits as per rules. The 4th respondent in the main O.A. gave a reply by its letter No.G/R 500/General/PI, dt. 18/2/88 was rejected on the ground that the applicant has not furnished any details of her missing husband, and his service particulars and the applicant lodged police complaint, before

concerned police station about her absconded husband where abouts are not known so far.

2. It is submitted that basing on the 4th respondent's proceedings, the applicant made a complaint before District Police Superintendent Officer, Cuddapah, Dt. 16-6-88 i.e. the ~~1st~~ ^{5th} respondent in the present Miscellaneous Applications to find out where about her husband. Then the ~~1st~~ ^{5th} respondent gave a reply to the applicant for making complaint before the Circle Inspector, I town Police Station, Cuddapah, Cuddapah Dist. It is submitted that the applicant was already made a complaint before the Circle Inspector, I Town Police Station Cuddapah, Cuddapah Dist. But they have not taken any steps to find out where about her husband.

3. It is submitted that the applicant made representations, dt. 21-12-1993 and 2-12-1994 before the ~~2nd~~ ^{6th} respondent in the present M.A. for releasing Legal Heir Certificate. But so far the 2nd respondent herein has not issued the Legal Heir Certificate till today.

4. It is submitted that the Applicant has not made a parties as Respondents in the main O.A.. It is submitted that under these circumstances stated above, ~~the~~ ^{5th & 6th} two respondents in the present M.A. are necessary parties in the ~~present~~ main O.A. Therefore these two respondents may be Implead as Respondents 5 and 6 as necessary parties in the main O.A.

5. RELIEF: It is therefore Prayed that this Hon'ble Tribunal may be pleased to Implead the above 5 and 6 respondents in the present M.A. as Respondents 5 and 6 in the Main O.A. No. 1374/97 and pass such other order or orders as the Hon'ble Court may deems fit and proper under the circumstances of the case.

VERIFICATION

I, M. Ademma, aged. 50 Years, above named applicant do hereby declare that the paras set out above in true to my knowledge and belieiving to be true on the legal advice of my counsel and that I have not suppressed any material facts.

COUNSEL FOR APPLICANT

B. Malleeswari

SIGNATURE OF THE APPLICANT.

15/14/98
Received
Mr. S. R. Jayaraman
and others
and normal
and not
SSN 121155
15/14/98

MS. B.MALLESWARI,
B.Ramana Murthy,
Advocates
COUNSEL FOR APPLICANT



IMPLIED MISCE. AFFILIATION



Observations Compiled 10/10/98

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD
M.A.NO. OF 1998
IN
O.A.NO. 1374 OF 1997

CENTRAL ADMINISTRATIVE TRIBUNAL

MA. 346/98

in

OA: 1304/97

8/5/98.

none for the parties.

list it after Malaria.

To /
HHRP
M(A)

Dir. Notice

26.6.98 MA 346/98 in
OA 1374/97

Heard Mr. Rama Rao Murthy
for the Misc. Applicant.

The two additional
respondents proposed to be
impleaded now are officers
under the Govt. of A.P.

It is necessary to hear
the standing counsel
for the State of A.P. in the
matter. A notice may
go to the concerned additional
respondents besides
Mr. Naveen Rao, learned
standing counsel for the
State Govt.

list the matter
for further orders and
disposal on 15.7.98

To /
HHRP
M(A)

Mr. Motte to RPs 5 and 6
and const for state
15.7.98

as
29/6/98 - Issued
31/6/98

मूल/ORIGINAL

रेलवे/RAILWAY

एकल राष्ट्रीय कर्म^{संघ}
CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH, HYDERABAD

M.A. No.

346 of 1998

IN

O.A. No.

1374 of 1998

Implied Petition

Smt. B. Malleswari

COUNSEL FOR THE APPLICANTS.
AND

Mr. J.R. Gopal Rao

Sr. ADDL. STANDING COUNSEL FOR C.G. RLY.

Mr. B. Naveen Rao

MA 346/98

55

in

OA 1374/97

11/8/98

None for the parties.
List it tomorrow.

~~for~~ 11/8
HTRP
M(A)

12-8-98

List it day after-tomorrow
and print the name of Shri
Naveen Rao as Counsel for
the State Govt, who shall be
expected to file a proper
report or at least make a
proper submission, in this
regard.

~~for~~ 11/8
HTRP
M(A)

~~Reliving Section~~
14
13/8/98

The M.A. No. 346/98 is allowed
and the same is disposed of in
view of the Judgment already
delivered separately. The names
of the freshly impleaded Respon-
dents shall be incorporated by
the Applicant's Counsel in the
cause title.

~~for~~ 11/8
HTRP
M(A)

DSW