

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

OA.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.

*Andri*  
*17-1-98*  
*Deputy Registrar*

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

I Court

TYPED BY  
COMPAED BY

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.

O.A.No. 1374/97

T.A.No. (W.P)

Admitted and Interim directions  
Issued.

Allowed

Disposed of with direction

Dismissed.

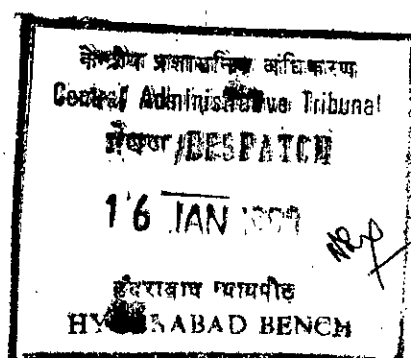
Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.



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 d.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  
COMPAKED BY

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: 9-3-1998

ORDER/JUDGMENT:

M.A./R.A./C.A. No. 158/98

in

O.A. No. 1374/97

T.A. No. QW.P

Admitted and Interim directions  
Issued.

Allowed

list on 16/3/98

Disposed of with direction

Dismissed.

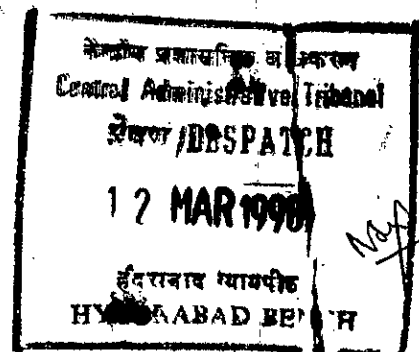
Dismissed as withdrawn

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 Ecc: 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 allegations made there in 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. Thirupalu was appointed as sanitary khalsi, in South Central Railway Guntakal division under the control of Health Inspector/on pay Rs.196 Scale Rs.196-232 (RS) Mr. Sri. M. Thirupalu has availed the following leave during the year 1974.

ATTESTOR.

*Upasana*  
लघुयुक्त कामिक अधिकारी  
दक्षिण मध्य रेलवे गुंतकल  
Asst. Personnel Officer  
S. C. Railway/Guntakal

*K. Venkateswarlu*  
DEPONENT.  
लघुयुक्त मंडल कामिक अधिकारी  
दक्षिण मध्य रेलवे गुंतकल  
Senior Divisional Personnel Officer  
South Central Railway, Guntakal

//.2 //

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

(Signature)  
 सहायक काम क अधिकारी  
 सहायक मध्य रेलवे गुंतकरी  
 Asst. Personnel Officer  
 S. C. Railway/Guntakari

DEPONENT

(Signature)  
 वरिष्ठ मंडल धार्मिक अधिकारी  
 सहायक मध्य रेलवे गुंतकरी  
 Senior Divisional Personnel Officer  
 South Central Railway, Guntakari

In The Central Administrative Tribunal

At Hyderabad

O.A. No. 1374/97



Reply Statement

Received on - 9-3-1998

by  
P. Ramamurthy  
Advocate

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

Filed on : 9-3-98

Noted  
10398



// 3 //

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, <sup>doelstare</sup> 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/VI/B.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 No-tary has no value and can't be taken as an athenic 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 devoid of 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.

ATTESTER.

सहायक काम क अधिकारी,  
उत्तर मध्य रेलवे मुखकल  
Asst. Personnel Officer,  
C. C. Railway/Guntakal



DEPONENT

वरिष्ठ मुखकल काम क अधिकारी  
उत्तर मध्य रेलवे मुखकल  
Senior Divisional Personnel Officer  
Central Railway, Guntakal

7

Through Spl. messenger

Police Department

To:

From:

The Standing Council,  
for the State of A.P.,  
HYDRABAD.

Spl. Govt. Singh, 1932,  
Subdt. of Police,  
C U D A P A H.

C. No. 1986/2/98 dated 8-8-38.

212

Sub: - Miscellaneous application No. 345/38 in  
Original application No. 1374/37 filed by  
Smt. M. Adamma - Report sent to - Reg.

Ref: - 1. M.A. No. 345/38 in U.A. No. 1374/37 in  
Central Administrative Tribunal, Hyd.

2. Telegram dt. 5-8-38 of Spl. P. Narsim Rao  
Spl. Council to A.P. and Govt. P. Narsim Rao  
Hyderabad.

...

I am to state that the records of Hyderabad 1 town P.2.

have been verified and found no case under man missing was

registered on the complaint of Smt. M. Adamma regarding missing

of her husband. This fact may please be brought to the notice

of the Central Administrative Tribunal, Hyderabad.

Yours faithfully,

for Subdt. of Police,  
C U D A P A H.

Through Spl. messenger

28

Police Department

From:

To:

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

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. M.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. Council 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 be brought to the notice  
of the Central Administrative Tribunal, Hyderabad.

Yours faithfully,

*A. S. Chetty*  
for Supdt. of Police,  
C U D D A P A H.

*Se*  
6.8.98

*6.8.98*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL; HYDERABAD BENCH;

AT HYDERABAD

O.A.No.1374 OF 1997.

Date of Order:14-8-1998.

Between:

M.Adenma.

.. Applicant

a n d

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)

: O R D E R :

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 <sup>the</sup> 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 settlement of dues or to sanction <sup>any</sup> kind of pension. The

*g/*  
14/8

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)

Dated: this the 14th day of August, 1998  
Dicated to steno in the open Court

\*\*\*  
DSN

  
Dy. 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. by 17/8/98  
17/8/98  
Received  
in C.O. Sec. A  
at 17/8/98 at 3.15 P.M.  
I COURT  
TYPED BY  
CHECKED BY  
at 3.25 for approval  
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: 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.

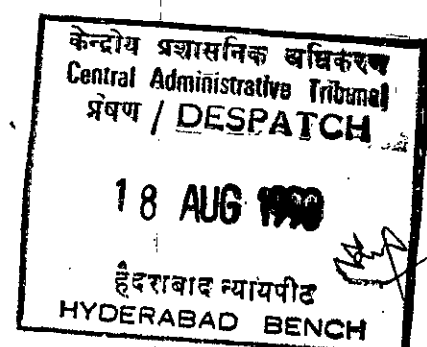
Dismissed as withdrawn.

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. 1374 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. Haleswar,*

COUNSEL FOR THE APPLICANT

*M. S. 256*

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,  
Railmilayam, 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 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<sup>d</sup> 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, <sup>aged. 50 years</sup> above named applicant

do hereby declare that the paras set out above in true to my knowledge and beleiving to be true on the legal advice of Shri my counsel. and that I have not suppressed any material fact.

Counsel for Applicant.

M. Ademma  
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  
Sd/-

Dt. 13/1/98

एक सदस्य केस  
SINGLE MEMBER CASE

पूरी प्रति  
DUPLICATE

रेलवे/RAILWAY

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDERABAD.

M.A.No. 158 of 1998

O.A.No. 1374 / 1998

Restoration Petition

Ms. B. Mallikarjuni

COUNSEL FOR THE APPLICANTS.

AND

Mr. T. 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,  
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

n 2256

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,  
Railmilayam, 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 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<sup>RD</sup> 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, <sup>aged. 50 Years</sup> 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 fact.

*B. Hallegwar*  
Counsel for Applicant.

*M. Ademma*  
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

- - - -

Restoration Pet.

CENTRAL ADMINISTRATIVE TRIBUNAL AT  
HYDERABAD

M.A.NO. OF 1998

IN

O.A.NO. 1374 OF 1997

RESTORATION APPLICATION  
U/ RULE 15<sup>(2)</sup> OF C.A.T. RULES

1987



FILED ON: 9-2-1998

FILED BY:

MS. B. MALLESHWARI

B. RAMANA MURTHY.

ADVOCATES

COUNSELS FOR APPLICANT

Copy received  
for filing  
SC for Review  
28/2

my series  
13288

9/2

9/3/98 M.A. 158/98  
O.A. 1374/97

Heard Mr. B. Ramana Murthy for  
Mrs. B. Malleshwari and Mr. Shakti  
for Mr. J.R. Gopal Rao for the  
respondents.

In view of the circumstances  
explained in the M.A. O.A.  
is restored to file. Mr. 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. <sup>Thus the M.A. disposed of</sup> less it on Monday.  
ie, 16/3/98.

*DSM*  
HAR P  
MCO

एकल सदस्य केस  
SINGLE MEMBER CASE

H#R#  
ORIGINAL

रेलवे/RAILWAY

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDERABAD.

M.A. No. 158 of 11998  
IN

O.A. No. 1374 1997.

Restoration Petition

Mrs. B. Malleshwari

COUNSEL FOR THE APPLICANTS.

AND

Mr. J.R. Gopal Rao

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

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,  
Cuddapah and 3 others. .. RESPONDENTS

CHRONOLOGICAL EVENTS

Sl.No.	Description	Page.	Annexure
1.	Miscellaneous Application	1 to 2	
2.	<del>Original Application</del>	<del>1 to 13</del>	<del>I</del>

S. Malleswari

COUNSEL FOR THE APPLICANT

30/5/98

SIGNATURE OF THE APPLICANT.

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL AT HYDERABAD

M.A.NO. 346 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.

*Respect 16/4*

*Proposed*  
.. RESPONDENTS.

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 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 whereabouts 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 <sup>6th</sup> 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, <sup>5th & 6th</sup> ~~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. Hallelwani  
Counsel for the Applicant

*[Signature]*  
Signature of the Applicant

CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD

M.A.NO.

OF 1998

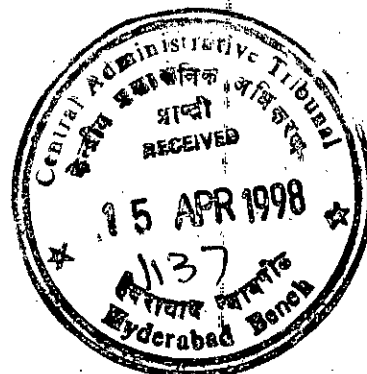
IN

O.A.NO.

1374

OF 1997

IMPLEAD MISCE. APPLICATION



FILED ON: 15-4-1998  
FILED BY:

M/S. MS.B.Malleswari,  
B.Ramana Murthy,  
Advocates  
COUNSELS FOR APPLICANT

दुसरी प्रति DUPLICATE

रेलवे/RAILWAY

एकल सदस्य  
SINGLE MEMBER CASE

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH, HYDERABAD

M.A.No. 346 of 1998

IN

O.A.No. 1374 of 1998

*Implied Petition*

Smt. B. Mallawari

COUNSEL FOR THE APPLICANTS.  
AND

Mr. T.R. Gopala Rao

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

Ms. P. Navendu 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,  
Cuddapah and 3 others. .. RESPONDENTS

CHRONOLOGICAL EVENTS

Sl.No.	Description	Page.	Annexure
1.	Miscellaneous Application	1 to 2	
2.	<del>Original Application</del>	<del>1 to 13</del>	

*B. Malleswari,*  
COUNSEL FOR THE APPLICANT

*జె.ఎస్.ఎస్.*  
SIGNATURE OF THE APPLICANT.

280. Paid.  
R. 51-4  
NO. 440735

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 4*

*Proposed*

.. RESPONDENTS &c

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 of 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 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 whereabouts 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 <sup>5th</sup> ~~1st~~ respondent in the present Miscellaneous Applications to find out where about her husband. Then the <sup>5th</sup> ~~1st~~ 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 <sup>6th</sup> ~~2nd~~ 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, <sup>5th & 6th</sup> ~~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 <sup>5</sup> and <sup>6</sup> 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 beleiving to be true on the legal advice of my counsel and that I have not suppressed any material facts.

COUNSEL FOR APPLICANT

*B. Hallelwaris*

*[Signature]*  
SIGNATURE OF THE APPLICANT.

Relieved  
Full leave till 15th  
25-26 May  
Dismissed

22/5/98  
in 8 days time

Observed Compulsory leave on 22/5/98.



FILED ON: 15-4-1998  
FILED BY:

Mrs. MS. B. Malleswari,

B. Ramana Murthy,

Advocates

COUNSELLS FOR APPLICANT

Received  
15/4/98  
for 3 & 4 pages

Good copy  
to P. J. Jeyaraj  
15/4/98

16/4

MA 346/98

OA: 1374/97

8/5/98.

none for the parties.

List it After Vacation.

*[Signature]*  
HHRP  
M(A)

Dir Notice

26.6.98 MA 346/98 in  
OA 1374/97

Heard Mr. Ramana Murthy  
for the Misc. Applicant.

The two additional  
respondents proposed to be  
impleaded 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

*[Signature]*  
HHRP  
M(A)

Notice to RRs 5 and 6  
and counsel for state  
15.7.98

As  
29/6/98 - Issued  
3/7/98.

नूतन/ORIGINAL

रेलवे/RAILWAY

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH, HYDERABAD

एकल सदस्यीय केस  
SINGLE MEMBER CASE

M.A.No. 346 of 1998  
IN

O.A.No. 1374 of 1998

Implied Petition

Smt. B. Malliswari

COUNSEL FOR THE APPLICANTS.  
AND

Mr. J.R. Gopala Rao

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

*[Signature]*  
Mr. B. Naveen Rao

MA 346/98

in

OA 1374/97

5

11/8/98

None for the parties.  
List it tomorrow.

11/8  
HHRP  
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.

12/8  
HHRP  
M(A)

Filing Section  
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.

13/8  
HHRP  
M(A)

20/1