

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

36

ORIGINAL APPLICATION NO.1442/97

Date of order : 05-08-1998.

Between :-

M.Lakshmi

... Applicant

And

1. Union of India rep. by its General Manager,  
SC Rlys, Rail Nilayam, Sec'bad.
2. Divisional Railway Manager,  
SC Rlys, Vijayawada.
3. P.W.I. (Permanent Way Inspector),  
SC Rlys, Vijayawada.

... Respondents

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Counsel for the Applicant : Shri G.V.Sekhar Babu

Counsel for the Respondents : Shri C.V.Malla Reddy, CGSC

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CORAM:

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

(Order per Hon'ble Shri R.Rangarajan, Member (A) ).

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(Order per Hon'ble Shri R.Rangarajan, Member (A) ).

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None for the applicant. Sri Gurupadam for Sri C.V.Malla Reddy, standing counsel for the respondents.

2. This OA was adjourned number of times at the request of counsel for the applicant and it is posted today for orders. Inspite of it, the learned counsel for the applicant is not present. As similar OA had already been disposed of in great detail, it is felt that it is not necessary to adjourn this case due to the absence of counsel for the applicant. Hence the OA is disposed of under Rule-15(1) of C.A.T.(Procedure) Rules, 1987. The husband of the applicant in this OA was engaged on Daily Wages on 18-1-72 under Respondent No.3. It is stated that he had completed 180 days of service on 17-7-1972 and he should have been brought on temporary status from that date. But it was denied to the husband of the applicant. The husband of the applicant was issued with casual labour service cards from 1977 to 1981 and he has also completed three years of continuous service on 17-7-1987. The husband of the applicant died while in service on 9-8-91. Thereafter the applicant herein submitted representation for family pension but no reply was given and she was also not given the family pension.

3. This OA is filed praying for a direction for grant of temporary status to her husband with effect from 17-7-1987 and thereafter as a consequential relief to pay all the death benefits including family pension, provident fund and gratuity, leave salary to the applicant herein.

4. A reply has been filed in this OA. The main contention of the respondents in this reply is that the husband of the applicant was a temporary status casual mazdoor and hence he is not entitled for pension and other benefits except his gratuity. Since the husband of the applicant is not eligible for pension and other benefits, the applicant herein is not eligible for family pension. Number of similar OAs were filed in this Bench for similar relief. OA 1289/96 for similar relief was disposed of by this Tribunal <sup>Govt</sup> by order dt. 10-1-97. In that also, the wife of a temporary status casual labourer requested for payment of family pension due to the death of her husband. All the contentions therein were examined ~~ver~~ elaborately on the basis of the various rules incorporated in the Indian Railway Establishment Manual. Some case laws quoted by the applicant in that OA and other such materials were also examined and after going through the full case history, the case was dismissed giving liberty to the applicant therein to file a representation for regularisation of the services of her husband and for payment of family pension taking re-course to Rule-107 of Miscellaneous Chapter-12 of Railway Servants (Pension) Rules, 1993 as a measure of Social Justice. The denial of family pension to a temporary status casual labourer was also up-held by the Hon'ble Supreme Court in the reported case in Union of India & others Vs. Rabia Bikaner etc., (1997(4) SLR 717) for the reasons stated in the judgement. In the present case, the applicant herself states that her husband not even brought on temporary status. When the wife of temporary status casual labourer is not eligible for family pension, the question of granting the

family pension to the applicant does not arise. Even <sup>when</sup> the hus-  
band of the applicant <sup>is not</sup> brought on temporary status, he cannot  
claim pension if he is not screened and his services were not  
regularised. When the husband of the applicant is not eligible  
for pension, the question of family pension to the widow of  
ex-employee does not arise.

5. In view of what is stated above, I find no merits in the  
OA. Hence the OA is dismissed. No costs.

  
(R.RANGARAJAN)  
Member (A)

  
Dated: 5th August, 1998.  
Dictated in Open Court.

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DA.1442/97

Copy to:-

1. The General Manager, South Central Railway, Rail Nilayam, Sec'bad.
2. The Divisional Railway Manager, South Central Railway, Vijayawada.
3. P.WI.(Permanent Way Inspector), South Central Railways, Vijayawada.
4. One copy to Mr. G.V.Sekhar Babu, Advocate, CAT., Hyd.
5. One copy to Mr. C.V.Malla Reddy, SC for Rlys, CAT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One duplicate copy.

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II COURT

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

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

AND

THE HON'BLE SHRI G.S. JAI PARAMESWAR :  
M(J)

DATED: 5/8/98

ORDER/JUDGMENT

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

in  
C.A.NO. 1442/97

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER RE THE COSTS

YLR

