

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.388/99

DATE OF ORDER : 5-1-2000

Between :-

Addanki Jalamma

...Applicant

And

1. The General Manager,
SC Rlys, 3rd Floor,
Rail Nilayam, Sec'bad-500 371.
2. The Divisional Engineer (West),
SC Rlys, Divisional Offices,
Vijayawada-520 001.

...Respondents

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Counsel for the Applicant : Shri S.Ramakrishna Rao

Counsel for the Respondents : Shri V.Bhimanna, SC for Rlys

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CORAM:

THE HON'BLE JUSTICE SHRI D.H.NASIR : VICE-CHAIRMAN

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

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

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... 2.



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

Heard Sri S.Ramakrishna Rao, learned counsel for the applicant and Sri V.Bhimanna, learned Standing Counsel for the Respondents.

2. The applicant herein is the wife of late Addanki Venkatadri, Porter, SC Railways. He was removed from service by the impugned order No.B/P5/VI/74/9. Dated 3.5.1975 (Annexure-II page-13 to the OA). The applicant is the legal heir of the deceased. She has filed this OA to set aside the impugned order dated 28.12.1998 whereby her representation for pensionary benefits was refused as her husband has been removed from service and also paid all settlement dues and for a consequential direction to the Respondents to grant family pension to the applicant in view of the Railway Board letters dated 7.4.1983 and 22.8.1991 dully annulling the punishment of removal imposed on the applicant's husband as contemplated in the Railway Board letters.

3. Late employee has not challenged the removal order before his death or ^{he absconded} before ~~his whereabouts were known~~ for setting aside the removal order. Legal representative has filed the OA for setting aside the removal order and also to grant the pensionary benefits in accordance with certain Railway Board letters referred to in the prayer.

4. We are unable to ^{exceed} ~~exceed~~ to the request as ^{this Tribunal has} ~~the applicant had~~ no jurisdiction to ~~approach the Tribunal~~ as there was no application under section 19 of the A.T.Act by deceased which could be allowed to be continued by his legal heir. The above view of ours is in accordance with the Full Bench judgement reported in 1998 (38) ATC 568 (Smt.Vidata Vs. Union of India & others).

5. In view of the above, the Registry is directed to return the papers to the applicant for approaching the appropriate judicial forum in this connection. No costs.

(R.RANGARAJAN)

(D.H.NASIR)

AVL/ MEMBER(A)

VICE-CHAIRMAN

Dated: 5th January 2000.
Dictated in Open Court.

10-1-2000