

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 30th day of June, 2008

REVIEW APPLICATION NO.19/2008

IN

ORIGINAL APPLICATION NO.389/2006

CORAM :

HON'BLE MR.J.P.SHUKLA, ADMINISTRATIVE MEMBER

1. Union of India through
General Manager,
North Western Railway,
Hasanpura Road,
Jaipur.
2. Chief Administrative Officer (Construction Unit),
North Western Railway,
Hasanpura Road,
Jaipur.
3. Divisional Railway Manager,
North Western Railway,
Power House Road,
Jaipur.

... Review Applicants

Versus

1. Som Bahadur Singh Thapa
S/o Late Shri Late Shri Dhan Raj,
R/o Railway Quarter No.A-26,
North Western Railway Colony,
Gandhi Nagar, Jaipur.
2. Ravindra Thapa
S/o Late Shri Late Shri Dhan Raj,
R/o Railway Quarter No.A-26,
North Western Railway Colony,
Gandhi Nagar, Jaipur.

[Legal Heirs of Smt.Munni Devi]

... Respondents (Applicants in the OA)

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ORDER
PER HON' BLE MR. J. P. SHUKLA

This Review Application has been filed under Rule-17 of the Central Administrative Tribunal (Procedure) Rules, 1987 by the respondent-department i.e. Union of India & Others with a prayer to recall and review the order dated 25.4.2008, passed by this Bench in OA 389/2006 [Som Bahadur Singh Thapa and another (Legal Heirs of Smt. Munni Devi) v. Union of India and others], by which the said OA was disposed of and the respondents were directed to arrange payment of family pension to the applicants [legal heirs of Smt. Munni Devi] from the date of death of late Shri Dhanraj (the deceased employee) from 16th March, 1997, with all consequential benefits, arrears etc.

2. Learned counsel for Union of India & Ors. has filed this Review Application solely on the ground that legal representatives of a casual labour cannot be entitled to get the benefit of family pension although the deceased might have attained temporary status in accordance with rules and it is essential that before his death the employee should have been subject to screening and should have been regularized in service, which only enables the legal representatives to claim the benefit of family pension. Hence, there is error apparent on the face of record and as such the order in question is required to be recalled and reviewed. In support of this plea, he has relied upon several judgements of this very Tribunal as well as Apex Court.

3. While considering the Review Application, it is revealed that learned counsel for the respondents has filed this Review Application as if the deceased employee i.e. Shri Dhanraj s/o Shri Nar Bahadur had only acquired temporary status and did not regularize in service before his death.

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4. On the other hand, it was specifically made clear in the order/decision 25.4.2008 itself that Shri Dhanraj s/o Shri Nar Bahadur was screened and regularized in Group-D vide DRM (E) JP's Office Order No.E/E/891/1-Misc. dated 27.3.97 i.e. prior to his death on 16.4.1997 and, therefore, for all intents and purposes late Shri Dhanraj was a regular employee before his death and, therefore, entitled for family pensionary benefits. Hence, the family pension was ordered to be granted to the legal representatives of Smt.Munni Devi w/o Late Shri Dhanraj as Shri Dhanraj had been regularized in service before his death.

5. Powers of this Tribunal in the matter of review of its order are akin to powers of the Civil Court and are governed by Order-47 Rule-1 of the Code of Civil Procedure. This rule provides that review can be done if there is an error apparent on the face of record or if there is such material fact or the point of law which could not be brought to the notice of the Tribunal/Court despite due diligence.

6. After considering the Review Application and the documents on record, it is observed that there is no error apparent on the face of record and there is no such material fact or the point of law which could not be brought to the notice of the Tribunal despite due diligence. As such, this Review Application is devoid of merit and the same stands dismissed, by circulation.



(J.P.SHUKLA)
MEMBER (A)

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