

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

24-7-07

Mr. Rajvir Sharma counsel for applicant
Mr. Tej Prakash Sharma counsel for respondent

Heard The OA stands disposed of by a separate order

(Azamul
(J. P. Shukla)

Administrator, Bhopal

(Kuldeep Singh)

Vice Chairman

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 24th day of July, 2007

ORIGINAL APPLICATION NO.4/2005

CORAM :

HON'BLE MR.KULDIP SINGH, VICE CHAIRMAN
HON'BLE MR.J.P.SHUKLA, ADMINISITRATIVE MEMBER

Smt.Uma Devi
W/o Late Shri Mangilal,
R/o Gali No.8, Sogaria,
Kota Jn., Kota.

By Advocate : Shri Rajvir Sharma

... Applicant

Versus

1. Union of India through
General Manager,
West Central Railway,
Jabalpur (MP).
2. Divisional Railway Manager,
West Central Railway,
Kota Division,
Kota.

By Advocate : Shri T.P.Sharma

... Respondents

ORDER (ORAL)

PER HON'BLE MR.J.P.SHUKLA

The applicant has filed this OA u/s 19 of the Administrative Tribunals Act, 1985, praying for grant of pension and other retrival benefits etc.

2. It was submitted by the learned counsel for the applicant that husband of the applicant, Late

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Shri Mangilal, was initially appointed as Khalasi w.e.f. 8.2.73 against a permanent post. He was granted temporary status just after six months. He expired on 20.5.2001 during his service. Thus, he had completed about 28 years of service, still the retiral benefits and pension etc. have been denied to the applicant. Hence this OA.

3. In support, learned counsel for the applicant placed reliance on the case of **Rukhiben Rupabhai v. Union of India & Ors.**, 2006 (2) ATJ 1, in which their Lordship of Gujarat High Court have categorically held that ;

"Family Pension-Casual labour-A casual labour after serving for requisite period continuously be treated as 'temporary railway servant' or 'casual labour with temporary status' - Widow of a casual labour with temporary status cannot be denied family pension-Non regularization/ confirmation against permanent posts on account of non-availability of posts or on account of any laxity in this regard on the part of employer cannot be a ground to deny pensionary rights."

3. Learned counsel for the respondents contested the OA and reiterated the facts mentioned in the reply.

4. Heard the learned counsel for the parties and perused the documents available on record. In view of the judgement passed by Hon'ble Gujarat High Court in the case of Rukhiben Rupabhai (supra) and observations made therein, it is observed that the applicant is entitled for the grant of pension and other retiral benefits. Accordingly, the OA is allowed and the respondents are directed to grant pension, with

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all consequential benefits, and other retiral benefits to the applicant within a period of three months from the date of receipt of a copy of this order.

5. The OA stands disposed of accordingly with no order as to costs.



(J.P. SHUKLA)
MEMBER (A)



(KUNDIP SINGH)
VICE CHAIRMAN

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