

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JAIPUR BENCH: JAIPUR

REGN. NO.FA-12 OF 1996

(Arising out of OA No.372 /1996)

(Date of order 26.4.96)

Smt. JagdishApplicant

Versus

Union of India & Others.....Respondents

O R D E R

Hon'ble Mr. N.K.Verma, Member (A) :

This is a Review Application against the order passed on 15.1.1996 in OA-372/96 by which the claim of the applicant was not found admissible and the application was dismissed at the admission stage itself. The applicant in this Review Application as brought to my notice the latest judgment of the Hon'ble Supreme Court in the matter of Parbhavati Devi v. Union of India & Others decided on 16.11.1995 reported at 1996 (1) SLP Page 28, wherein the Apex Court has ruled that substitute appointed in the Railway would be afforded all the rights and privileges as would be admissible to temporary railway servants from

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time to time on completion of 6 months continuous service. If anybody who has put in more than 6 months continuous service, he becomes temporary servant in this manner and is entitled to family pension under sub-rule 3(b) of Rule 2311 whereunder it is provided that the widow/minor children of a temporary Railway servant who dies while in service after a service of not less than one year ~~than one year~~ continuous (qualifying) service shall be eligible for a family pension under the provisions of para 801 of the Manual of Railways Pension Rules. In para 5 of the same judgment it was said that on the acquisition of temporary status derived in the manner stated above, it is difficult to sustain the orders of the Tribunal and to deny family pension to the widow and children of the deceased. The applicant has also brought to my notice a Division Bench matter decided by the Jaipur Bench in OA-918/92 dated 14.12.1994 wherein a similar relief was granted to a widow of a temporary status railway employee.

2. At the time of the admission the learned counsel for the applicant had not brought to my notice any of these two judgments in supporting the case of the applicant. Now that the Hon'ble Supreme Court has set the entire controversy at rest, the applicant's widow is decidedly entitled to a family pension since her husband had been granted temporary status on 13.1.1985 and he was medically examined and found fit and continued to work as Gangman (Temporary Status) till 1992.

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3. Since the matter was dismissed at the admission stage itself, notices may be given to the respondents returnable within six weeks to reply to the OA and confirm or deny the averments made therein. Let this matter be adjudicated now. Orders passed on 15.1.1996 is recalled.

N.K.Verma
(N.K.VERMA)
MEMBER (A)