

(5)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR

Date of decision: 15-01-1996

OA No.371/95

Smt.Amari Devi

.. Applicant

VERSUS

Union of India and Others

.. Respondents

CORAM:

Hon'ble Mr. N.K.Verma, Admv. Member

For the Applicant

.. Mr. Shiv Kumar

For the Respondents

ORDER

PER HON'BLE MR. N.K.VERMA, ADMV.MEMBER

Heard Shri Shiv Kumar, Learned Counsel for the Applicant.

2. This is a case regarding grant of family pension to the widow of a Casual Labour in the Railway, who was said to have been granted temporary status. On the ordersheet dated 29.8.95 it was recorded that learned counsel for the applicant wished to produce the documents in order to establish the fact that the applicant's husband was a temporary status Casual Labour. On two subsequent dates, learned counsel for the applicant got the admission hearing adjourned. Today also he wants some more time to produce the documents to support the claim that the applicant's husband was a temporary status Casual Labour.

3. Apart from the fact whether the applicant's husband was a temporary status Casual Labour or not, the main issue to be decided in this case is that whether a temporary Casual Labour is entitled to pension and/or his widow is entitled to family pension. The temporary status Casual Labour was

....2/-

6

given sufficient concessions and facilities according to the Indian Railway Establishment Manual and the grant of pension was categorically denied, which was also reflected in the Ram Kumar's case decided by the Hon'ble Supreme Court. To the best of my knowledge, neither any subsequent changes in the Indian Railway Establishment Manual have been made nor any further decision was made by the Hon'ble Apex Court in the matter. The learned counsel for the applicant was not able to produce any case laws to support/supplement the claim of the applicant. Thus, the case of the applicant for grant of family pension does not have any legal basis whatsoever.

4. In view of the above, it is not a fit case for admission and the same is dismissed accordingly at admission stage itself.

N.K. Verma
(N.K. VERMA)

MEMBER (ADMV.)