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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

JAIPUR

CA No.372/95

Date of order: 01.07.1998

Smt. Jagdish W/o Late Shri Kandra M resident of village Sah, Post Bagan, Distt. Bharatpur. Her husband was last employed on the post of T.S. Gangman under PWI, Bharatpur

.. Applicant

Versus

1. Union of India through General Manager, Western Railway, Churchgate, Bombay.
2. Divisional Railway Manager, Western Railway, Kota Division, Kota.

.. Respondents

Mr. Shiv Kumar, counsel for the applicant

None present for the respondents

CORAM:

Hon'ble Mr. Ratan Prakash, Judicial Member

ORDER

PER HON'BLE MR. RATAN PRAKASH, JUDICIAL MEMBER

Smt. Jagdish has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 to seek a direction against the respondents to grant her family pension and other dues of her deceased husband.

2. The facts which are not in dispute are that her husband Late Shri Kandra M, Ex.T.S. Gangman was initially appointed in the year 1978 as a Gangman under P.W.I. Bharatpur. He was granted temporary status on 30.1.1985 and continued to work as Gangman (TS) till he expired in the Railway Hospital, Bharatpur while

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working on this post. The applicant being the widow of the deceased employee made a detailed representation on 6.12.1994 to the respondents to grant her family pension, payment of D.C.R.G. and P.F. as at Ann.A2 followed by a reminder dated 26.12.1994 (Ann.A3). The respondents having not responded she has been compelled to approach this Tribunal and claim the aforesaid reliefs.

3. The respondents have opposed this application by filing a written reply to which no rejoinder has been filed. The stand of the respondents has been that though the deceased employee i.e. the husband of the applicant was a temporary status holder Gangman, he was neither screened nor his services were regularised. It has, therefore, been urged that the applicant is not entitled to get any relief, ^{since} as such a benefit of family pension is not admissible to a temporary status holder railway employee.

4. I heard the learned counsel for the applicant and have gone through the pleadings of the parties and the documents filed in support of their contentions.

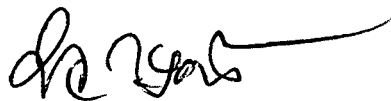
5. In the matter of temporary status holder Government employees the law has now been finally settled by Hon'ble the Supreme Court in the case of Union of India & Ors. Vs. Pabia Bikaner etc. JT 1997 (6) S.C. 95 wherein it has been laid down by Hon'ble the Supreme Court that a widow of a Casual Labour who had not been regularised till death is not entitled to retiral benefit i.e. family pension, ~~and that~~ Hon'ble

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the Supreme Court has followed its decision in the case of Union of India vs. Sukanti & Anr. SLP (C) No. 3341/93 decided on 30th July, 95 but has distinguished its decision given in the case of Prabhavati Devi v. Union of India (1996) 7 SCC 27.

6. In view of the aforesaid settled position of law in the matter of grant of family pension to the widow of a deceased temporary status holder employee, the applicant herein is not entitled to claim any family pension on account of the services rendered by her deceased husband Shri Vandera M. The applicant having failed to give any details of any other dues payable to her by the respondents, she is not entitled to get any relief on this account as well.

7. For all the aforesaid reasons, the OA is dismissed with no order as to costs.



(Ratan Prakash)

Judicial Member