

(9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 21.8.1998

QA 335/96

Smt. Somoti Bai w/o Late Sh. Shriram, her husband was last employed on the post of T.S. Gangman in the office of PWI (CTF) Sawaimadhopur, Western Railway.

... Applicant

Versus

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

... Respondents

CORAM:

HON'BLE MR. GOPAL PRISHMA, VICE CHAIRMAN

For the Applicant

... Mr. Shiv Kumar

For the Respondents

... Mr. Zakir Hussain, brief holder  
for Mr. M. Rafiq

O R D E R

PER HON'BLE MR. GOPAL PRISHMA, VICE CHAIRMAN

Applicant, Smt. Somoti Bai, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying for a direction to the respondents to grant family pension to her and release other dues of her husband.

2. Heard the learned counsel for the parties. Records of the case have been carefully perused.

3. Applicant's case is that she is the wife of late Sh. Shriram, who was appointed as a Gangman in the office of PWI (CTF) Sawaimadhopur. He was granted temporary status. He was appointed on 21.3.83 and he worked on the post of T.S. Gangman till his death on 14.3.89. The applicant represented to the concerned authority for grant of family pension but the same was rejected by respondent No.2 on the ground that applicant's husband was only a temporary status holder and was not a regular employee of the Railway. It is urged on behalf of the applicant that he is entitled to family pension in terms of the Family Pension Scheme. The respondents have stated that the deceased employee was only a temporary status holder Gangman and although he was having temporary status but he was neither screened nor was he regularised. In the circumstances, it is urged by the respondents that there arises no question of granting family pension to the applicant. It has been held by Hon'ble the Supreme Court in the case of Union of India and others Vs. Fabia Bikaner etc., reported in JT 1997 (6) SC 95, that no retiral benefit was available to the

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widow of casual labour who had not been regularised till his death. In the circumstances, this application deserves to be dismissed.

4. The OA is, therefore, dismissed. No order as to costs.

*Gopal Krishna*  
(GOPAL KRISHNA)  
VICE CHAIRMAN

VK