

(3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

\* \* \*

Date of Decision: 04.9.98

OA 436/96

Smt. Tulsa Bai w/o Late Shri Shrikishan Meena r/o Gram Gothada, Post Soorwal,  
Distt. Sawai Madhopur.

... 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 KRISHNA, VICE CHAIRMAN

For the Applicant

... Mr. R.N. Mathur

For the Respondents

... Mr. T.P. Sharma

O R D E R

PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

Applicant, Smt. Tulsa Bai, has prayed in this application under Section 19 of the Administrative Tribunals Act, 1985, for a direction to the respondents to grant family pension to her from the date her husband, Shri Shrikishan Meena, had expired.

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

3. Applicant's case is that her husband was a Gangman and he was granted temporary stauts. He died on 24.4.94 while on duty. He was initially appointed in the Railway on 1.5.85. It is urged on behalf of the applicant that denial of the benefit of pension to her in the circumstances is unreasonable because her husband had already rendered service for more than nine years. On the contrary, the respondents have stated that since the deceased was not a permanent or regular employee of the Railway, the family of the deceased is not entitled to get any benefit under the Family Pension Scheme. In the case of Union of India and others vs. Rabia Bikaner etc., reported in JT 1997 (6) SC 95, hon'ble the Supreme Court has held that no retiral benefit was available to the widow of a casual labour who had not been regularised till his death.

4. In view of the facts stated above, this application is liable to be dismissed. The OA is, therefore, dismissed with no order as to costs.

GKMN  
(GOPAL KRISHNA)  
VICE CHAIRMAN

VK