

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 17.8.1998

OA 47/96

Smt. Nawana w/o Late Shri Duraswami, Gangman in FWI(C), Phulera, W/Fly.

... Applicant

Versus

1. Union of India through General Manager, Western Railway, Churchgate, Bombay.

2. Divisional Railway Manager, Western Railway, Jaipur Division, Jaipur.

... Respondents

CORAM:

HON'BLE MR. GOPAL PRISHIA, VICE CHAIRMAN

For the Applicant

... Mr. Shiv Kumar

For the Respondents

... Mr. B.S. Mathur

ORDER

PER HON'BLE MR. GOPAL PRISHIA, VICE CHAIRMAN

In this application under Section 19 of the Administrative Tribunals Act, 1985, Smt. Nawana, has claimed a direction to the respondents to grant family pension to her and release other dues of her husband from the due date as per rules.

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 widow of Late Duraswami, Gangman (TS), who was initially appointed on 3.9.79 as a casual labour in the office of FWI(C) JAM. He was granted temporary status on completion of five years service, on 1.1.85, vide Annexure A-1. He was medically examined and found fit, vide Annexure A-2. However, he expired while on the post of Gangman, on 30.3.93. It has been urged on behalf of the applicant that family pension is payable where a government servant dies after completion of one year's continuous service and since applicant's husband had completed more than three and a half years, the applicant is entitled to the benefit of the Pension Scheme for the Railway employees. The respondents have stated in the reply that the applicant's husband was appointed as a casual labour in the office of FWI (Construction), Jamnagar, and he was given temporary status in the year 1985 but unluckily he had expired on 30.3.93 at Pishangarh due to a truck accident. It has been held by Hon'ble the Supreme Court in the case of Union of India and others vs. Fania Bikaner etc., reported in JT 1997 (6) SC 95, that no retiral benefit was available to the widow of casual labour who had not been regularised till his death. There is nothing on the record to show

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that the services of the applicant's husband had been regularised. In the circumstances, this application is liable to be dismissed. It is, therefore, dismissed. No order as to costs.

G. Krishna
(GOPAL KRISHNA)
VICE CHAIRMAN

VK