

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH: JAIPUR

Original Application No. 372/2003

Date of decision: 12.10.2004

Hon'ble Mr. Kuldip Singh, Vice Chairman.

Hon'ble Mr. M K Misra, Administrative Member.

Smt. Sheela Devi, w/o late Shri Prem Sharan Bhatnagar
aged about 52 years, C/o S.K. Saxena, 10-A, P & T Colony,
Shanti Nagar, Jaipur 302 006.

: Applicant.

rep. by Mr. C.B. Sharma : Counsel for the applicant.

VERSUS

1. Union of India through General Manager, North Western Railway, North Western Zone, Jaipur.
2. Chief Mechanical Engineer, North Western zone, North Western Railway, Jaipur.
3. Dy Chief Mechanical Engineer, Carriage & Wagon North Western Railway, Ajmer.

: Respondents.

rep. by Mr. Shailesh Prakash Sharma: Counsel for the respondents.

ORDER (Oral)

Per Mr. Kuldip Singh, Vice Chairman.

This O.A has been filed by Smt. Sheela Devi, wife of late Shri Prem Sharan Bhatnagar. Late Shri Prem Sharan Bhatnagar was employed under the respondents. The applicant is aggrieved that the respondents have arbitrarily and illegally not allowed the family pension and other benefits of her late husband even though she submitted the documents available with her to them.



2. The facts as alleged by the applicant are that Shri Prem Sharan Bhatnagar, husband of the applicant was an employee of the Railways since 01.12.1950 and he worked upto 30.04.74. Thereafter, he suffered paralysis and expired on 25.07.2002. It is further stated that the husband of the applicant was allowed free railway pass and one of such passes is dated 27.08.1993 (Annex.A/3). It is also averred that during lifetime Shri Prem Sharan Bhatnagar had been making requests to respondents for settlement of benefits and also made a request to provide appointment to his son vide Annex. A/4 and A/5. But the respondents neither extended the benefit of providing employment to his son nor settled the benefits. Thus the action of the respondents is not justified and therefore it is prayed that the respondents be directed to settle the service benefits of late Prem Sharan Bhatnagar and the benefits of family pension be extended to her.

3. The respondents have contested the case. They have filed the reply. In the counter, the department had admitted that the husband of the applicant was an employee of the respondents but they have categorically stated that the services of the applicant's husband have been terminated and he was removed from service with effect from 29.03.75 for unauthorised absence. Therefore he was not entitled to get any retiral benefits nor the applicant is entitled to get any family pension

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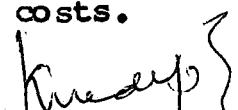
4. We have heard the learned counsel for the parties and gone through the records. On the last date of hearing i.e. on 24.08.2004, the respondents were directed to produce any contemporaneous record other than the disciplinary proceedings, particularly to show that the services of ~~Prem Sharan Bhatnagar~~ were terminated in the year 1975. Today, i.e. 12.10.2004, when the case was taken up for hearing the respondents pleaded that the records relating to the departmental proceedings were not available since it is a matter of more than 25 years old i.e. of the year 1975. However, they have produced a copy of staff register maintained by the department, wherein it has been mentioned that the deceased employee i.e. the husband of the applicant, Shri Prem Sharan Bhatnagar had been removed from service with effect from 29.03.75 vide order No. CE/308/74/v-12 dated 31.03.75 due to habitual unauthorised absence and irregular attendance. The respondents counsel submitted that except the staff register no record is available despite the fact that they had searched the entire records of last 27 years.

5. In reply to the above submission of the learned counsel for the respondents, the learned counsel for the applicant submitted that the service book of ~~late Shri~~ Prem Sharan Bhatnagar ought to have been produced since the service book of an employee has to be ~~maintained~~ for a period of 35 years after the date of cessation of employment. In our considered view, this contention of the learned counsel for the applicant has no merits, because in this case, the services of the

applicant's husband had been terminated vide order dated 31.03.75, by way of removal from service and such an employee is not entitled to any retiral benefits or other service benefits from the respondents. Even if the service book of ~~late~~ Shri Prem Sharan Bhatnagar was not made available, the staff register, which had been maintained in regular course of business by the respondents had been produced before us. This Court, after perusal of the same, cannot disbelieve the statement of the respondents and it clearly establishes that the services of the applicant's husband had been terminated. It is also the fact that the applicant's husband remained alive till 2002 and during his life time, he never claimed either pensionary or other service benefits. It is only after the death of Shri Prem Sharan Bhatnagar, the applicant, had approached the Court for the first time. Since the applicant as well as her late husband kept silent for more than 27 years, would itself go to show that both of them knew that none of them is entitled for any service benefits.

6. In these circumstances, the O.A has no merit and is liable to be dismissed. Accordingly, we dismiss the O.A with no order as to costs.


(M K Misra)
Administrative Member


(Kuldip Singh)
Vice Chairman.

jsv.