

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,  
CIRCUIT COURT SITTING AT BILASPUR

Original Application No 286 of 2005

Quilios, This the 28<sup>th</sup> day of October, 2005.

Hon'ble Mr. M.P. Singh, Vice Chairman  
Hon'ble Mr. Madan Mohan, Judicial Member

Smt. J. Savitri,  
W/o Late Shri J. Narasimulu  
Aged about 50 year,  
Employed as Peon,  
Railway High School,  
Residing at Qr.No.78/D,  
Zone-I, BMY-Charoda  
Dist. Durg (CG).

Applicant

(By Advocate – Shri B.P.Rao)

V E R S U S

1. Union of India,  
Through : The General Manager,  
South East Central Railway,  
Bilaspur Zone, G.M. Office,  
PO : Bilaspur  
Tehsil & District : Bilaspur (CG).
2. The Divisional Railway Manager,  
South East Central Railway,  
Raipur Division, Raipur  
Tehsil & District : Raipur (CG)
3. The Sr. Divisional Personnel Officer,  
South East Central Railway,  
Raipur Division, Raipur  
Tahsil & District : Raipur (CG) Respondents

(By Advocate – Shri S.P. Shrivastava)



O R D E R

By Madan Mohan, Judicial Member –

By filing this Original Application, the applicant has sought the following main relief :-

“8.2 .....to pass a direction to the Respondent/s to dispose the Applicant’s latest Representation submitted on 18.7.2004 (Annexure-A-13) at the earliest.”

2. The brief facts of the case are that the husband of the applicant was appointed in the Railway as Khalasi on 29.11.1968 and was posted under Electrical Foreman at BMY-Charoda. He died in harness on 27.8.1973 leaving behind the applicant and one minor daughter. Thereafter the applicant has submitted representations Annexures A-1 to A-9 for compassionate appointment and for making all the due payment to the respondents. According to the applicant, on 3.3.1975 the respondents paid only Rs.6966.40/- to the applicant through a cheque. Subsequently the respondents considered the application of the applicant for compassionate appointment and vide order dated 29.10.1975 (Annexure-A-12) she was appointed as waterman in S.E. Railway Mixed Higher Secondary School, BMY-Charoda. Apart from it the respondents have not given any accidental compensation, family pension and other service benefits of her late husband for which she is entitled. In this regard she has submitted a representation dated 18.7.2004 (Annexure-A-13). Till now the respondents have not taken any decision on the aforesaid representation. Hence, this OA.

3. Heard the learned counsel for the parties and carefully perused the records.

4. It is argued on behalf of the applicant that the husband of the applicant was employed with the respondent department and he served thereon from 29.11.68 to 27.8.73 and he died in harness. He also argued that the respondents have only paid Rs. 6966.40/- to the applicant through cheque without giving the details thereof and they have not communicated anything regarding payment of service



benefits and family pension etc. In this regard, the applicant has submitted the representation dated 18.7.2004 (Annexure-A-13) which is still pending with the respondents department.

5. In reply it is argued on behalf of the respondents that this OA has been filed by the applicant after lapse of more than 30 years/death of the deceased Govt. servant, which highly time barred. He also argued that the records of the governments employee are not kept for a long time whereas the deceased Government servant had served only 4 years and 9 months with the respondents department before 30 years. It is not possible to see the records of the deceased Government servant at this stage. He has further argued that the respondents have already paid an amount of Rs.6966.40/- toward PF/REIS to the applicant and also she was offered the appointment on compassionate ground. Since the husband of the applicant has served only 4 years/9 months with the respondent-railway, the applicant is not entitled for family pension as per rules. Now the applicant wants that her representation dated 18.7.2004 (Annexure-A-13) be considered by the respondents at very belated stage, which is not at all possible in absence of the service records of the deceased Government servant. Hence, this OA is liable to be dismissed on barred by limitation and merits.

6. After hearing the learned counsel for the parties and on careful perusal of the records, we find that the husband of the applicant died on 27.8.1973 and the respondents have already paid an amount of Rs.6966.40 towards PF/REIS to the applicant and she was also offered the appointment on compassionate ground vide order dated 29.10.1975. The argument advanced on behalf of the respondents is that the service records of the Government servant is not kept for a long time. In this we also find that records of the deceased



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government servant related for the period from 29.11.68 to 27.8.73 are very old and it would not be proper to direct the respondents to verify the records of the deceased Government servant and consider the representation of the applicant dated 18.7.2004 at very belated stage. The arguments on behalf of the respondents that the respondents cannot consider the representation of the applicant and cannot verify the relevant facts in absence of the service records of the deceased Government servant. This argument seems to be correct and justified. Hence, this OA is liable to be dismissed. Accordingly, the same is dismissed on the ground of barred by limitation and also the same is bereft of merits. No costs.

*dk*  
(Madan Mohan)  
Judicial Member

*mp*  
(M.P. Singh)  
Vice Chairman

skm

पृष्ठांकन सं. ओ/व्या..... जवलपुर, दि.....  
प्रतिलिपि दाता:-  
(1) सचिव, राज व्यवस्था विभाग, जवलपुर  
(2) आवासक विभाग/उ..... दे. गवर्नर  
(3) प्रदाता ई. / ई. / ई. / ई.  
(4) वायपाल, देहान, ज. राज्य एवं राजि  
संघना एवं आवश्यक कार्यक्रमी इन्हु  
उप रजिस्ट्रार

B.P. Rao, 22/7/04  
S.P. Prakash, 22/7/04  
22/7/04

*Typed*  
*22/7/04*  
*14.07.04*