

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No. 808 of 2004

Indore, this the 17th day of November, 2005

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

Smt. Jadmabai, Wd/o. Ramchandra,
Aged – 50 years, 35/D, Railway Quarter,
Near Power House, Birlagram – Nagda Jn. Applicant

(By Advocate – Shri A.N. Bhatt)

Versus

Union of India & Ors.,
Represented by :

1. The General Manager,
Western Railway, HQ Office,
Churchgate, Mumbai – 400 020.
2. The Divisional Rail Manager,
Western Railway,
Divisional Office – Ratlam (MP). Respondents

(By Advocate – Shri V. Saran)

ORDER

By Madan Mohan, Judicial Member –

By filing this Original Application the applicant has claimed the following main reliefs :

“8.1 the respondent may kindly be directed to extend the benefits of pension & other allied dues,

8.2 the earlier service from 1957 to 1976 may kindly be ordered to be taken into account for the purpose of pension,

8.3 all consequential benefits including arrears may kindly be allowed,



8.4 interest on pensionary benefits may be allowed.”

2. The brief facts of the case are that the husband of the applicant late Ramchandra Sarju was appointed as Platform Porter in the year 1957. While he was working at Raoti station in the year 1976, he had some dispute with the staff there. Certain staff lodged report against the husband of the applicant. He was convicted and imprisoned for two years. On the basis of this punishment he was removed from service. Later on, on the appeal filed by the husband of the applicant he was taken back on duty from 24.4.1980 as a fresh employee. After his joining he worked upto 30.9.1989 and then retired on superannuation on attaining the age of 58 years. On his retirement he was given all settlement dues but the pension and other pensionary benefits have not been granted as yet. The applicant represented to the respondents but nothing has been done so far. The husband of the applicant was illegally and arbitrarily removed from service. Hence, this Original Application is filed.

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


4. It is argued on behalf of the applicant her husband was appointed as Platform Porter in the year 1957. He worked there upto 1976 but on the basis of one criminal case he was convicted for imprisonment for 2 years and he was removed from service. He was taken back on duty on 24.4.1980 and he served and retired on 30.9.1987 on the date of his superannuation. The respondents have given settlement dues but they have not given the pension and other pensionary benefits to the deceased husband or the applicant so far. The applicant has submitted representations but they have not been considered by the respondents. Hence, this Original Application deserves to be allowed.

5. In reply the learned counsel for the respondents argued that the husband of the applicant was not entitled for the pensionary benefits as he



could not cross the years of qualifying service. He was appointed on the post of Platform Porter on 24.4.1980 and was retired from service on 30.9.1989. Hence, he had been in the department of the respondents for a period of 9 years, 5 months while according to the Railway Service (Pension) Rules, 10 years are required for the purposes of completing the qualifying services. The husband of the applicant died on 20.4.1999 but during his life time he had never applied for the pensionary benefits and also for counting of his past services wherein he had been removed from the Railway service. The applicant's husband had already been the retirement benefits like PF, DCRG, GIS and leave encashment. Hence, this Original Application is liable to be dismissed.

6. After hearing the learned counsel for the parties and on careful perusal of the pleadings and records we find that the husband of the applicant was convicted and was imprisoned for 2 years on the basis of a criminal case and he was removed from service. He was taken back on duty on 24.4.1980 and he retired from service on attaining the age of superannuation on 30.9.1989. The applicant herself has mentioned in the OA at paragraph 4.2 that her husband was taken back on duty on 24.4.1980 as a fresh employee. The argument advanced on behalf of the respondents that the past services of the husband of the applicant cannot be counted for pensionary benefits, seems to be correct as he joined on duty on 24.4.1980 as a fresh employee. The husband of the applicant was in service from 24.4.1980 to 30.9.1989 i.e. for a period of 9 years 5 months. The husband of the applicant did not complete 10 years of qualifying service for entitlement of pension. This fact is not controverted by the applicant. The husband of the applicant died after about 10 years, from the date of his retirement and during his life time he has never applied for counting of his past services for pensionary benefits and for pension.



7. Considering all the facts and circumstances of the case we are of the considered view that the Original Application deserves to be dismissed as having no merits. Accordingly, the same is dismissed. No costs.

(Madan Mohan)
Judicial Member

(M.P. Singh)
Vice Chairman

पृष्ठों/पृष्ठों से ओ/न्या.....जयलपुर, दि.....

प्रतिनिधि के निम्नलिखित:

"SA"

(1) सचिव, जयलपुर, जयलपुर, जयलपुर

(2) आदेशक, जयलपुर, जयलपुर, जयलपुर

(3) प्रत्यक्षी, जयलपुर, जयलपुर, जयलपुर

(4) वॉयफाल, जयलपुर, जयलपुर, जयलपुर

सूचना एवं आवश्यक कार्रवाई हेतु

रजिस्ट्रार

D. M. Bhatt Dr. R. L. K. S.
D. N. and P. Thakur
Ind.

22.11.22