

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A. No. 1226/2014

New Delhi, this the 25th day of October, 2017

**HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MS. NITA CHOWDHURY, MEMBER (A)**

Suman Devi,
W/o Late Shri Bhagwati Prasad (Ex-Khalasi),
Aged 44 years,
C/o Shri Raghbir Singh Sagar,
Kaccha Tundla, PO : Tundla,
Distt. Firozabad (UP). .. Applicant

(By Advocate : Shri U. Srivastava)

Versus

Union of India, through :

1. The General Manager,
Northern Central Railway,
Allahabad, U.P.
2. The Divisional Railway Manager,
Northern Central Railway,
Allahabad, U.P.
3. The Inspector of Works NR,
Hathras Junction (UP). .. Respondents

(By Advocate : Shri A.K. Srivastava)

ORDER (ORAL)

By Mr. V. Ajay Kumar, Member (J)

The applicant is the wife of a deceased casual employee of the respondents – Railways. The O.A. has been filed seeking grant of retirement dues of the late husband of the applicant including

family pension and consideration of her case for compassionate appointment, with all consequential benefits.

2. The brief facts of the case are that while working as casual employee with the respondents since December, 1972, the respondents in pursuance of a policy decision have screened the husband of the applicant along with others for decasualisation of his services. On his successful selection in the said screening, vide order dated 03.08.1992 (Annexure A-7), the name of the applicant along with others was empanelled as Group 'D'. In pursuance of the same, the respondents also issued the appointment orders on 13.10.1995 to the husband of the applicant. However, in the meanwhile, i.e. on 05.08.1993, the husband of the applicant expired. In view of the death of the husband of the applicant, the applicant vide Annexure A-1 submitted pension papers dated 16.10.1993 and the same were processed on 22.10.1993. However, as the respondents have not considered the same till date, the applicant filed the present O.A.

3. Heard Shri U. Srivastava, learned counsel for the applicant and Shri A.K. Srivastava, learned counsel appearing on behalf of the respondents, and also perused the pleadings on record.

4. Shri U. Srivastava, learned counsel appearing for the applicant, submits that the subject matter of this O.A. is squarely covered by a decision of the Hon'ble High Court of Delhi in **Union of India & Anr. vs. Jaywanti Devi** in WP(C) No.4901/2008 dated 19.11.2010 and, accordingly, prays for passing of the identical orders.

5. On the other hand, Shri A.K. Srivastava, learned counsel appearing for the respondents, opposed the claim of the applicant on various grounds.

6. A perusal of the order of the Hon'ble High Court of Delhi in **Jaywanti Devi** (supra) indicates that the facts therein are applicable to the instant case and identical submissions were considered by the Hon'ble High Court in the said decision before coming to final conclusion which was passed following the decision of the Hon'ble Apex Court in **Prabhawati Devi vs. Union of India & Ors.**, C.A. No. 10492/1991, dated 16.01.1995, and, hence, we are of the view that there is no necessity to go into the rival contentions once again.

7. In the circumstances and for the reasons mentioned above, the O.A. is allowed and the respondents are directed to consider the

claim of the applicant for pension in the light of the decision of the Hon'ble Apex Court in CA No.10492/1991 in **Prabhawati Devi vs. Union of India & Ors.**, dated 16.01.1995, and in the light of Rule 2311(3)(b) of the Indian Railways Establishment Manual read with para 801 of the Manual of Railway Pension Rules, however, without any interest, and also to consider the claim of the applicant for compassionate appointment, if she is otherwise eligible, within 90 days from the date of receipt of a copy of this order. No order as to costs.

(Nita Chowdhury)
Member (A)

(V. Ajay Kumar)
Member (J)

/Jyoti /