

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITTING: BILASPUR

Original Application No.203/00860/2016

Bilaspur, this Thursday, the 12th day of July, 2018

HON'BLE SHRI NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER

Dokri Wife of Late Manohar
aged about 67 years,
Occupation Ex Gangman
Department of Engineering, S
outh Eastern Central Railway,
Champa, R/o Village Kharwani
House No.128 Post Soghagpur
P.S. Uрга Tahsil Kartala
District Korba (C.G.) PIN 495677

-Applicant

(By Advocate –**Shri Ajay Kumar Barik**)

V e r s u s

1. Union of India, Through the General Manager,
SEC Railway Bilaspur,
District Bilaspur (C.G.) PIN Code No.495004

2. Divisional Railway Manager,
S.E.C. Railway Bilaspur (C.G.) PIN Code 495004

3. Senior Divisional Personnel Officer,
S.E.C. Railway Bilaspur,
District Bilaspur (C.G.) Pin Code No.495004

4. Divisional Personnel Officer, S.E.C. Railway
Bilaspur District Bilaspur (C.G.) PIN Code No.495004

5. Sr. Section Engineer P. Way
S.E.C. Railway Bilaspur
District Janjgir Champa (CG) PIN Code

- Respondents

(By Advocate –**None**)

ORDER (Oral)**By Navin Tandon, AM:-**

The applicant is aggrieved by the fact that she has not been given family pension.

2. The applicant in this Original Application has prayed for the following reliefs:-

“8.1 This Hon’ble Tribunal may kindly be pleased to direct the respondents to pay the family pensions/gratuity/provident fund in accordance with law with due interest as per norms provided in the Central Services Employees.

8.2 This Hon’ble Tribunal may kindly be pleased to allow the Original Application in the interest of justice.

8.3 Any other relief or relief as the Hon’ble Tribunal may kindly deem fit and proper.”

3. The brief facts of the case are that husband of the applicant was an employee with the respondent-Railway. He was removed from the service in the year 1989 and subsequently died on 04.06.2010.

3.1 The applicant had earlier approached this Tribunal in Original Application No.203/111/2015. Based on the order of this Tribunal, respondent-authorities had dismissed the claim of the applicant by passing a speaking order dated 10.04.2015 (Annexure A-1).

4. The respondent-department in their reply has raised the question on maintainability. They have submitted that the husband of the applicant was removed from service in the year 1989 and died on 04.06.2010. The applicant has preferred this Original Application in the year 2016 which is an inordinate delay, and therefore, the Original Application is not maintainable.

4.1 They have further submitted Rule 40 of the Railway Service (Pension) Rules, 1993 which reads as under:-

“Forfeiture of Service on Dismissal or Removal-Dismissal or removal of a railway servant from a service or post shall lead to forfeiture of his past service.”

5. Heard the learned counsel for the applicant and perused the documents available on record.

6. Learned counsel for the applicant submits that the respondents in Annexure A-1 have submitted that disciplinary and appeal proceedings file of deceased employee is not available.

7. We have considered the matter.

8. Perusal of Annexure A-1 makes it clear that the deceased employee was mostly absent from duty unauthorizedly and did not prefer any appeal against the order of removal, which shows that he was not interested in Railway service.

9. It is very clear that the case is barred by limitation as the issue of family pension has been raised after a lapse of more than

25 years of the deceased employee having been dismissed from the Railway service.

10. Accordingly, this Original Application is dismissed. No costs.

(Ramesh Singh Thakur)
Judicial Member
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(Navin Tandon)
Administrative Member