

## **Relief for widow after 41 years**

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The Central Administrative Tribunal (CAT) has, after 41 years, directed the Northern Railway to pay all arrears to a widow of its employee, who died in an accident, within a month.

Pinja Ram, who was working as a fireman from 1967 to 1969 with the Railways, died on January 11, 1969. The Railways had, so far, failed to provide her with a family pension and other pensionary benefits. Rampyari, a resident of Kangra district, had approached the tribunal for seeking family pension, DCRG and other retrial benefits permissible under the law.

The Railways has been asked to grant the family pension under the Rule 75 of the Railway Services (Pension) and Gratuity or any other provision in its rules.

In its reply, the Northern Railways submitted that Pinja Ram was appointed as a temporary shed cleaner on February 1, 1967. He was also put to officiate as fire man 'C' but was neither confirmed as the shed cleaner nor as the fire man 'C'. It admitted that Pinja died in an accident during the course of his employment and they had paid the terminal dues towards death gratuity to his family. The department also claimed that they had passed PF assets along with Rs 7,000 as compensation in view of the fact that Pinja had died during the course of employment.

Regarding the payment of family pension and other retrial benefits, the Railways claimed that according to their contention Rampyari is not entitled to these benefits as her husband did not work with the department for at least 10 years so as to entitle her for granting the family pension.

The Bench comprising Shyama Dogra and Khushiram observed, "It is a hard case where the value of the Railway servant on his death in harness due to an accident has been fixed and paid to the applicant in terms of petty amount of less then Rs 100 as the death gratuity and Rs 7,000 as death compensation."

"It is painful to note that neither in the statement nor through arguments addressed by the counsel for the Northern Railways, this court was apprised of the fact that there is a provision under the Family Pension Rules of the Railways to grant family pension in such cases. We deprecate such practice adopted by the Railway to withheld vital legal information from the court," the order read.

"It is further relevant to say that these schemes or rules are framed for benevolent purposes to give some solace to the dependents of the deceased employee but the Northern Railways authorities have withheld these provisions to thwart the applicant's claim. In such cases, respondents should have taken steps to provide immediate financial assistance to the applicant as per rule," it added.

"To impart justice in a fair manner, we have taken judicial notice of the Rule 75 of the Railway Services (Pension) Rules, 1993, regarding the family pension schemes,

under which when a railway employee dies after the completion of a year of continuous service, the family of deceased is entitled to receive the family pension," the order read.

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