
(2000) 10 PAT CK 0005
In the Patna High Court
Case No : C.W.J.C. No. 10806 of 2000

Smt. Kalayani Devi

APPELLANT

Vs

The Union of India (UOI) and Others

RESPONDENT

Date of Decision : 31-10-2000

Acts Referred:

Citation : (2001) 1 PLJR 798

Hon'ble Judges : Ravi S. Dhavan, C.J.;Aftab Alam, J

Bench : Division Bench

Advocate : K.K. Mandal, for the Appellant; J.P. Karn, for the Respondent

Final Decision : Dismissed

Judgement

1. This petition has been filed by Smt. Kalayani Devi widow of Anant Lal Mishra, who was a Fitter Grade I with the Eastern Railways (Traction Rolling stock), Asansol.
2. The only aspect which is relevant is that Anant Lal Mishra was absent from duty with effect from 10 March, 1971 and without any pay until 1972. Thus, for a very long period Anant Lal Mishra absented himself for work. He was removed from service in 1976. If there was any occasion to object an order of removal, Anant Lal Mishra would have done so between the last time he did not report for duty and he had been removed ultimately in 1976. This aspect has not been made an issue. Even after removal he was alive until October, 1978. It is contended that he was murdered.
3. Almost after two decades his widow makes an issue that she is entitled to pension.
4. The Central Administrative Tribunal after examining the record has come to the conclusion that regard being had to the circumstances of Anant Lal Mishra who firstly absented himself for duty and secondly removed from service, may not entitle her to family pension.

5. The Court does not find any error in the order of the Tribunal. The petition is dismissed.