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C.A.No. 9137 OF 1995

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ITEM NO. 108 COURT NO. 7 SECTION XI

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 9137/1995

Union of India & Ors. .. Appellant (s)

Vs.

Geeta Devi .. Respondent(s)

(With office report)

DATE : 9.8.2001 : This/These matter (s) was/were
called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU

HON'BLE MR. JUSTICE DORAISWAMY RAJU

For Appellant (s) : Mr. N.N. Goswami, Sr. Adv.
Mr. Ajay Sharma, Adv.
Mr. C Radhakrishnan, Adv.
Ms. Anil Katiyar, Adv.

For Respondent (s) : Mr. Anil Kumar Jha, Adv. (NP)

UPON hearing counsel the Court made the following

O R D E R

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The appeal is allowed in terms of the signed
order.

.SP1

Charanjit

[Om Prakash]
Court Master

[Signed order is placed on the file]

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 9137/1995@@
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Union of India & Ors. .. Appellants
Vs.
Geeta Devi .. Respondent

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Husband of the respondent, Bhimeent Sore, was appointed on casual basis from 24.9.1979. Thereafter he was appointed on temporary basis from 8.12.1980 under the Central Civil Services (Temporary Services) Rules, 1965. It appears that thereafter he remained unauthorizedly absent. It appears he was admitted in the hospital on 4.4.1981 and discharged on 14.4.1981. He attended his duty upto 21.5.1981. Thereafter he remained absent. Inasmuch as the said employee absented from his duty without being permitted by necessary authority, the appellants initiated proceedings as contemplated under Rule 5 (2) of the CCS Temporary Services Rules and subsequently discharged him from service w.e.f. 23.9.1982. Thereafter an original application was filed by the respondent for various reliefs namely, arrears of salary, family pension, payment of death-cum- retirement gratuity and Group Insurance and to give suitable employment to her, as he is deemed to have died in harness. The basis upon which the respondent claimed the

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said reliefs is that her husband disappeared and remained missing for more than seven years and he should presumed to be dead.

The Tribunal by an order made on 27.10.1994 directed to give whatever dues were payable to the respondent treating her husband to have died on 16.4.1988 and also directed to give a suitable employment to her in Class IV as a dependant of the employee who dies in harness and in addition the payment of compensation of Rs. 50,000/-. This order is assailed in this appeal.

It is clear from the narration of the facts that the services of the husband of the respondent were terminated w.e.f. 23.9.1982. If that is so, question of giving any other relief as sought for by the Respondent would not arise at all. The Tribunal ignoring these aspects of the case has given the relief in question which we think is not in order. Therefore, the order

made by the Tribunal is set aside and the application
filed by the respondent shall stand dismissed. The
appeal is allowed accordingly.

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[S. RAJENDRA BABU]@@
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[DORAISWAMY RAJU]@@
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New Delhi,@@
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August 9, 2001 @@
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