

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

Original Application No.20/144/2020

Hyderabad, this the 13th day of February, 2020



Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

K. Adinarayana, S/o. K. Appalapaidi,
Aged about 39 years, Occ: Unemployed,
R/o. Sarika Village & Post, Vizianagaram Dist.,
Andhra Pradesh – 535004.

... Applicant

(By Advocate: Mr. M.C. Jacob)

Vs.

1. The Union of India,
Represented by General Manager,
East Coast Railway, Chandrasekharapur,
Bhubaneswar, Orissa State.
2. The Principal Chief Personnel Officer,
East Coast Railway, Chandrasekharapur,
Bhubaneswar, Orissa State.
3. The Senior Divisional Personnel Officer,
East Coast Railway, Waltair Division,
Visakhapatnam, Andhra Pradesh.

... Respondents

(By Advocate: Mr. S.M. Patnaik, SC for Railway)

ORDER (ORAL)
{As per B.V. Sudhakar, Member (Admn.)}

2. The OA is filed challenging the inaction of the authorities in sanctioning the next eligible pension to the applicant w.e.f. 29.09.2016.



3. Brief facts of the case are that the father of the applicant retired as Gangmate while working in the respondents organization on 31.08.2000. Father of the applicant made an application to the 3rd respondent on 20.08.2008 to include the name of his handicapped son i.e. the applicant for considering his case as and when due for family pension. Based on the said representation, Chief Medical Superintendent, Waltair Division directed the applicant to appear before the Medical Board on 03.02.2009. Medical certificate was issued by the Hospital on 09.04.2009. The same was submitted to the 3rd respondent for further action. Father of the applicant passed away on 28.09.2016 and his mother had pre-deceased his father on 15.09.2010. Consequently, applicant being disabled and though eligible for family pension under Rule 75 of Railway Services (Pension) Rules, 1993, the same has not been granted. Therefore, he submitted a representation dated 17.02.2017 enclosing the Disability Certificate which showed 87% disability. The Medical Board, once again, examined the applicant and granted disability certificate on 12.04.2017 showing 60% disability. However, the 3rd respondent asked for additional documents to process his case, which were submitted. On submission, the 3rd respondent once again referred the medical certificate to the Medical Board to indicate as to whether the applicant has capacity to earn, for which the Medical Board

responded stating that there is no such provision in the Rule to state so. As a result, the 3rd respondent intimated the applicant on 06.09.2019 that his case has been referred to the 2nd respondent for clarification vide letter dt. 20.06.2019 and on receipt of the same, his case would be processed. As there is no response from the respondents till date, the OA has been filed.



4. Contention of the applicant is that he is eligible to be granted next eligible family pension as per Rule 75(6)(ii) of Railway Services (Pension) Rules. Applicant has submitted all the necessary documents required for grant of pension. Respondents have failed to appreciate the aspect that the applicant is permanently disabled as per the medical certificate submitted. The delay in sanction of family pension is not only hurting, but arbitrary.

5. Heard both counsel and perused the documents on record.

6. Learned counsel for the applicant submitted that the 2nd respondent be directed to dispose of the case of the applicant as was submitted by the 3rd respondent. The case pertains to a physically disabled person whose father worked in the respondents organization and passed away after retirement. Even the mother of the applicant pre-deceased his father. Therefore, respondents need to examine the case of the applicant for grant of family pension as per Rule 75(6)(ii) Railway Services (Pension) Rules. The matter is pending with the 2nd respondent since 20.06.2019 as seen from the letter of the 3rd respondent dt. 06.09.2019.

7. In view of the above, the 2nd respondent is directed to examine and dispose of the case of the applicant in regard to grant of family pension as per the extant Rules and in accordance with law, by issuing a speaking and reasoned order, within a period of 8 weeks from the date of receipt of this order.



With the above directions, the OA is disposed of, at the admission stage itself. No order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

/evr/