

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

Original Application No.21/220/2020

Hyderabad, this the 13th day of March, 2020



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

N.N. Saroja, D/o. late N.S. Narayan,
Aged about 66 years, Occ: Unemployee,
R/o. H. No. 24-4, Shivapuri,
Malkajgiri, Hyderabad.

... Applicant

(By Advocate: Mr. Abhinav Krishna Uppaluri)

Vs.

1. Union of India, Rep. by Secretary,
Ministry of Railways, Rail Bhavan,
Raisina Road, New Delhi.
2. The General Manager,
South Central Railway, Rail Nilayam,
Secunderabad.
3. Senior Personnel Divisional Officer,
South Central Railways, Secunderabad.

...Respondents

(By Advocate: Mr. V. Vinod Kumar, SC for Railways)

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

2. OA has been filed seeking secondary family pension.



3. Brief facts are that the applicant is a senior citizen, aged 65 years, who is unmarried and unemployed daughter of late Sri N.S. Narayan, who worked for the respondents organization. Applicant's father died in 1991. Her mother Mrs. N. S. Subbalaxmi, who received family pension also passed away in 2009. From then on, the applicant has been awaiting family pension, but for one reason or the other, it has been delayed by the respondents, leading to filing of the OA.

4. The contentions of the applicant are that the necessary documents as stated by the respondents have been submitted whenever asked for. RTI application made by the applicant in 2012 revealed that the request of the applicant for grant of secondary family pension was under due consideration. Nevertheless, the family pension not being granted forced the applicant to lodge a grievance on the DPG Portal and in response, respondents sought no objection affidavit from her sisters, latest income, non-employment and marital status certificates. Even the said documents were submitted and thereafter, when the secondary family pension was not granted, applicant approached the Hon'ble High Court through WP No. 17756 of 2019 and the same was withdrawn for filing the case before the Administrative Tribunal, being the proper forum to adjudicate at the first instance.

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

6. As seen from the facts of the case, applicant has been forced to run from pillar to post to obtain secondary family pension, for which, she claims that she is eligible, in all respects. Information furnished to the applicant under RTI Act vide letter dt. 17.01.2013 at page 16 shows that her claim for grant of secondary family pension is under process. Other documents filed with the OA i.e. Dependency Certificate dt.05.11.2018 at page No. 24, Income Certificate dt. 31.10.2018 issued by the Tahsildar at page No. 25, Affidavit at page No. 26 to 42 all go to indicate that the applicant has put all out efforts to comply with the requirements stated by the respondents. Yet, the respondents not taking a decision in granting secondary family pension over a period of 11 years is surprising to note.



7. In view of the aforesaid, the respondents are directed to consider the OA as a representation and examine the grounds, scrutinize the documents submitted and decide the issue of grant of secondary family pension to the applicant by issuing a reasoned and speaking order, within a period of 8 weeks from the date of receipt of this order. In case the applicant is aggrieved with the order of the respondents, she is given liberty to approach the Tribunal, if she so desires.

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

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

/evr/