

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 291/742/2019

DATE OF ORDER: 10.12.2019

CORAM

**HON'BLE MR. SURESH KUMAR MONGA, JUDICIAL MEMBER
HON'BLE MR. A. MUKHOPADHAYA, ADMINISTRATIVE MEMBER**

Gyarsi Devi (Widow of) late Sh. Gopal Lal Dhanka [retired Gangman Cpw (N) Jaipur (Group-D), North Western Railway (Erstwhile Western Railway), Age about 70 years, by caste Dhanka, R/o Tordi, Tehsil Malpura, Distt. Tonk – 304502. 9887769898

....Applicant
Mr. Rudraksh Sharma, counsel for applicant.

VERSUS

1. Union of India through General Manager, North Western Railway, North Western Railway Headquarter Office, Near Jawahar Circle, Jaipur-302017.
2. The Divisional Railway Manager, Divisional Railway Manager's Office (General), Power House Road, Sen Colony, Gopalbari, Jaipur-302016.

....Respondents

ORDER (Oral)

Per: Suresh Kumar Monga, Judicial Member

The applicant's husband had been working as Gangman with the Western Railway. He retired from the services on 29.06.1996. Unfortunately, he died on 12.05.2017. Until the date of his death, he had been drawing pension vide PPO No. WR/11602/408233. However, the respondents did not release the family pension to applicant herein after the death of her husband. Aggrieved by the said inaction on the part of the respondents, the applicant preferred Original Application No.

35/2018 before this Tribunal, which was disposed of on 23.01.2018 with a direction to the respondents to take a decision on the applicant's pending representation by way of passing a reasoned and speaking order in accordance with law. Consequent thereto, the respondents decided the applicant's representation and released family pension in her favour with effect from 01st February, 2019. However, they failed to release the arrears of family pension from May, 2017 to January, 2019. Feeling aggrieved, the applicant got issued a legal notice to respondents through her counsel on 06.08.2019 (Annexure A/1). The grievance of the applicant is that neither the said legal notice has been replied nor the respondents have released the arrears of family pension.

2. At the very outset, learned counsel for the applicant submitted that the applicant would be satisfied if a direction is issued to the respondents to treat the legal notice dated 06.08.2019 (Annexure A/1) as her representation and a decision is taken over the same within a time frame.

3. Keeping in view the afore-stated limited prayer made by learned counsel for the applicant, we deem it appropriate to dispose of the present Original Application at the admission stage itself without entering into the merits of the case.

4. Accordingly, the Original Application is disposed of with a direction to the respondents to treat the applicant's legal notice dated 06.08.2019 (Annexure A/1) as her representation and take a decision over the same by way of passing a reasoned and speaking order in accordance with law. Before taking such a decision, the applicant shall also be afforded an opportunity of

hearing. The whole exercise shall be undertaken within a period of two months from the date of receipt of a certified copy of this order. No order as to costs.

**(A. MUKHOPADHAYA)
ADMINISTRATIVE MEMBER**

**(SURESH KUMAR MONGA)
JUDICIAL MEMBER**

Kumawat