

(10)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 2826/2001

This the 21st day of May, 2002

HON'BLE SH. KULDIP SINGH, MEMBER (J)

Smt. Murthi W/o Late Driver
Mukh Ram,
R/o Shiv Colony,
Rewari.
(By Advocate: Sh. M.K. Gaur)

Verdict

1. Union of India through,
G.M. Northern Railway,
Baroda House, New Delhi.
2. Divisional Railway Manager,
Bikaner Division,
Bikaner (Rajasthan).

ORDER (ORAL)

By Sh. Kuldip Singh, Member (J)

Applicant has filed this OA claiming family pension in respect of deceased Sh. Mukh Ram, who is stated to be her husband, was a Railway employee working at Railway Station, Hissar who had retired on 31.8.84 and thereafter expired on 19.12.92. Applicant prayed for release of family pension being given to wife of deceased Railway employee.

2. The OA is contested by the respondents. Respondents pleaded that family pension has not been given to the applicant as her name is not mentioned as one of the family member. The other objection taken is that application is beyond the territorial jurisdiction and it is also barred by time. No other specific reason has been shown.
3. I have heard the learned counsel for the applicant. As the counsel for respondents has not appeared I decided to proceed ex parte under Rule 16 of the CAT (Procedure) Rules.

[Signature]

4. As far as the territorial jurisdiction is concerned, PT in this case has been allowed on 12.10.2001. Since it is a case of family pension, the plea taken by the respondents with regard to limitation will not come in the way of applicant. Hence the ground of limitation as taken by the respondents is rejected.

5. Respondents also pleaded that applicant's name is not mentioned in the list of the family. Counsel for applicant has invited my attention to a judgment of a Civil Court in Civil Suit No.292/98 decided by the court of Civil Judge (Junior Division), Rewari where Union of India through General Manager, Northern Railway was also a party and one of the issue before the Court is whether the applicant is the legal wife of deceased Sh. Mukh Ram and whether she is entitled for family pension or not. The decision on both the issues was decided in favour of the applicant by the Civil Court and the same judgment which has not been controverted by the respondents in their reply.

6. So relying on the same, I find that the applicant is entitled for release of a family pension w.e.f. the death of her husband. So the OA is allowed. However, claim for interest is not allowed as the matter was pending before the Civil Court. Respondents are directed to release the pension within a period of 2 months from the date of receipt of a copy of this order.

7. Later on, Sh. B.S.Jain, counsel for respondents appeared.

Kuldeep
(KULDIP SINGH)
Member (J)

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