

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.685/2001

(2)

Friday, this the 30th day of March, 2001.

Hon'ble Shri S.A.T. Rizvi, Member (A)

1. Smt. Vilasini,
Widow of Late Shri U. Parmeswarn,
And Working as Carriage Cleaner
In the Office of C&W,
SSE, New Delhi Railway Station,
New Delhi Applicant
(By Advocate : Shri S.M.Garg)

VERSUS

Union of India through -

1. The Secretary,
Ministry of Railway,
Rail Bhawan, New Delhi
2. The Divisional Rail Manager,
Northern Railway, Baroda House,
New Delhi Respondents

O R D E R (ORAL)

Heard the learned counsel.

2. In this OA the applicant, who is a widow of Late Shri U. Parmeswaran, seeks remedy against non-grant of family pension.

3. Shri U. Parmeswaran was employed as C&W Safai Wala in the Northern Railway. He was appointed in that capacity on 1.12.1980. In 1985 he received a notice of removal from service. The same was challenged in the Court of Sub Judge. As a result, the respondents were permanently restrained from terminating the services of Shri Parmeswaran. Shri Parmeswaran accordingly continued to serve in the aforesaid capacity until he died on 31.7.1992. In all,

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therefore, he had served the respondents for a period of about 12 years.

4. According to the learned counsel, Shri Parameswaran having served for those many years, the applicant is entitled for family pension in accordance with the relevant rules. The learned counsel also places reliance on the Judgement of this Tribunal in Bhaniben Bhav (Smt) Vs. UOI & Ors reported at (1996) 34 ATC 583 decided on 1.5.1996. The sum and substance of the aforesaid decision of the Tribunal is that the widows of even those who have acquired temporary status can claim family pension provided the husband has served the respondents for a certain number of years as prescribed. In the present case, according to the learned counsel, the applicant's husband was a regular employee and in this view of the matter the applicant is better placed than others for claiming family pension.

5. According to the learned counsel, the applicant has not filed a formal representation before the respondents for the grant of family pension. The applicant has, however, made oral representations, but without success so far. In accordance with the Administrative Tribunals Act 1985, the action taken by the applicant, as above, will go to show that she has not exhausted the remedies available to her. The application is, therefore, premature and is liable to be dismissed. I will, however, refrain from dismissing the case on the mere ground that the applicant, who is a

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(3)

widow, has failed to file a proper and formal representation and has not waited long enough thereafter before approaching this Tribunal.

6. On the question of limitation, the learned counsel submits that grant of family pension is a grievance which constitutes continuous cause of action. In support of his contention, the learned counsel has relied on the ^{same} case Bhaniben Bhav (Smt) Vs. UOI & Ors. (supra).

7. After hearing the learned counsel and in the circumstances just mentioned, I find that it would be in the fitness of things to dispose of this OA with a direction to the respondents to consider the claim of the applicant on the basis of the pleadings contained in the OA and in the light of the observations, as made above, as expeditiously as possible. The respondents are further directed to communicate ^{the} ~~the~~ decision to the applicant within a period of three months from the date of service of a copy of this order.

8. Registry will send a copy of the OA to the respondents.

9. The OA is disposed of in the aforestated terms at the initial stage itself. No costs.



(S.A.T. RIZVI)
MEMBER (A)

(pkr)