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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1955/1999

New Delhi, this 21st day of December, 2000

Hon'ble Shri Shanker Raju, Member(J)

Smt. Raj Rani
w/o late Shri Bulaqi Ram
3-C, Kotla Ferozeshah, New Delhi .. Applicant

(By H.C.Sharma, Advocate)

versus

Chief Secretary
Govt. of NCT of Delhi
Old Secretariat, Delhi .. Respondent

(By Shri Vijay Pandita, Advocate)

ORDER

By Shri Shanker Raju

Heard the learned counsel for the parties and perused the records. The applicant, widow of late Shri B.R.Shastri, who retired as a Teacher on 25.7.66 and expired on 5.6.75, is before this Tribunal in a second round of litigation aggrieved by the denial of the respondent in granting her family pension vide impugned order dated 21.12.98. Her earlier OA No.465/98 claiming similar relief was disposed of by order dated 5.11.98 with the following observations:

"5.....If there is any legal infirmity in the claim which totally disables the applicant from receiving the family pension, the respondent is at liberty to mention the same in a speaking order within three weeks from the date of receipt of a copy of this order. If no order is passed in three weeks, it will be assumed that there is absolutely no infirmity or legal impediment in the grant of family pension".

2. Learned counsel for the respondent has fairly conceded that a copy of the judgement dated 5.11.98 was received in respondent's office on 20.11.98 and the impugned order was passed on 21.12.98. It has been made

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clear in that order to the applicant that Para 22(i) of the UT Govt. aided school Teachers CPF-cum-Insurance-cum-Pension Rules, 1965 provides that family pension may be granted to the family of a teacher who dies, whether while still in service or after retirement, after completion of not less than 20 years qualifying service; late Shri Bulaqi Ram had only rendered service of about 16 years, 8 months and thus the applicant was not entitled for family pension at the retirement of her husband. Therefore, I am convinced that the respondent has passed a speaking order, though little belatedly.

3. In view of the above position, I find no merit in the present OA and, therefore, the same is dismissed accordingly. No costs.

S. Ram
(Shanker Raju)
Member(J)

/gtv/