

16

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No. OA 1984/1989

Date of decision: 13.11.1992

Smt. Badama

...Applicant

Versus

Union of India through the
Secretary, Ministry of Home
Affairs and Others

...Respondents

For the Applicant

..Shri V.P. Sharma,
Counsel

For the Respondents

..Shri M.L. Verma,
Counsel

CORAM:

The Hon'ble Mr.P.K. Kartha, Vice Chairman(J)

The Hon'ble Mr.B.N. Dhoundiyal, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgment? *Yes*
2. To be referred to the Reporters or not? *No*

JUDGMENT

(of the Bench delivered by Hon'ble
Shri P.K. Kartha, Vice Chairman(J))

The applicant ~~was~~^a is the widow of Late Shri Ram Swroop, son of Shri Mohan Lal, resident of Village Gothra Tappa Dahina Tehsil, Rewari District, Mohinder Garh (Haryana). She is claiming^a Family Pension^a in the present application ~~XXXXXX XXXXXX~~^a, being the widow of the deceased Government servant.

2. We have gone through the records of the case and have heard the learned counsel of both parties. Shri Ram Swroop, the husband of the applicant was an employee of the erstwhile ~~State of~~^a Ajmer^a State^a at the time of his death. The applicant has stated that he was a permanent employee while this is being disputed

by the respondents in their counter-affidavit. He had worked as a Constable at G.R.P. Police Station Neemach at the time of his death. The Police Headquarters of GRP Police Station which was situated at Police Lines Ajmer was under the command of Superintendent of Police, Ajmer. The version of the applicant is that while her husband was working at Police Station, Neemach in August, 1942, he became sick and he was taken to the Police Hospital Ajmer and he died while on duty on 5.9.1942 at Ajmer Railway Platform and his dead body was cremated at Ajmer on 6.9.1942. Despite several representations made by the applicant for Family Pension, she has not received the same. She is relying upon the instructions contained in the Government of Rajasthan letter dated 23.3.1988 and the Government of India's instructions dated 5.6.1986 on the subject of Grant of Family Pension to the families of Government employees who had retired from erstwhile ~~xx~~ ~~xxx~~ Government of State of Ajmer. The present application has been filed in view of the inaction on the part of the respondents to redress her grievances.

3. The respondents have stated that the scheme of Family Pension came into operation with effect from 18.06.1985 as regards Central Government employees and with effect from 23.5.1988 in the State of Rajasthan.

The husband of the applicant expired much prior to the date of operation of the impugned Family Pension scheme. The respondents have, therefore, contended that the claim of the applicant is barred by limitation. They have also contested that her husband was holding a pensionable post.

4. In our opinion, there is no substance in the contentions raised by the respondents. The right to Family Pension is a continuing cause of action. There is no bar to the widow of the deceased Government servant from claiming Family Pension under the administrative instructions issued by the Government, mentioned above, even though the husband had died before these instructions had been issued.

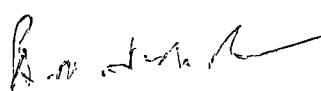
5. In the similar case of Smt. Sharda Devi Vs. Union of India & Others (OA 2358/1991 decided on 31.7.1992), this Tribunal has disposed of an application with the directions to the Superintendent of Police, G.P. Ajmer to consider the claim of the applicant in that case for the grant of Family Pension in accordance with the aforesaid administrative instructions. The learned counsel for the respondents fairly stated at the Bar that the present


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application could also be disposed of on the similar lines.

6. Accordingly, the application is disposed of with the direction to the applicant to make a fresh representation to the Superintendent of Police, GRP Ajmer within a period of 2 months from the date of receipt of this order. In case she makes such a representation, the Superintendent of Police, GRP Ajmer should consider the representation on the merits within a period of 2 months thereafter. In case the applicant is still aggrieved by the decision taken by the Superintendent of Police, GRP Ajmer, she will be at liberty to file a fresh application in the Tribunal in accordance with law, if so advised.

There will be no order as to costs.


(B.N. DHOUNDIYAL)
MEMBER (A)
13.11.1992


(P.K. KARTHA)
VICE CHAIRMAN (J)
13.11.1992

RKS
13/11/92