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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 1224
T.A. No.

198 8.

DATE OF DECISION 28.9.1989.

Smt. Chandrawati, Applicant (s)

Shri V.P.Sharma, Advocate for the Applicant (s)

Versus

Union of India & Ors.) Respondent (s)

Shri O.N.Moolri, Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. P.Srinivasan, Administrative Member.

The Hon'ble Mr. T.S. Oberoi, Judicial Member.

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yes.*
2. To be referred to the Reporter or not ? *No.*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *No.*
4. To be circulated to all Benches of the Tribunal ? *No.*

JUDGEMENT

(Delivered by Hon'ble Shri P.Srinivasan)

This application has come up before us to consider MP-1300/1989 filed by the respondents. After hearing Shri V.P.Sharma, learned counsel for the applicant and Shri O.N.Moolri, learned counsel for the respondents, we are of the view that the main application itself can be disposed of at this stage.

2. In this application made under Section 19 of the Administrative Tribunals Act, 1985, the applicant contends that as the widow of ^{by the} late Shri Sri Ram who died on 30.6.1961 while still in the service of the Northern Railway as a Cleaner in the Carriage & Wagon Department, she is entitled ^M to family pension in terms of Railway Board's instructions dated 26.7.1985. She ^{made} ~~filed~~ an application in this connection dated 25th July, 1987 addressed to the Secretary, Ministry of Personnel and Training (Annexure A-2 page 13 of the application). Her complaint is that even though she fulfils all the requirements for the grant of

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family pension, she has received no reply to her representation

3. Shri V.P. Sharma, learned counsel for the applicant submits that a copy of the application dated 25.7.1987 was also addressed to the Divisional Railway Manager (D.R.M.), Northern Railway, Bikaner for which she holds a postal acknowledgement dated 26.12.1987. The Railway authorities have ignored the application and hence the applicant was obliged to approach this Tribunal with this application.

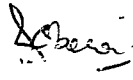
4. Shri O.N. Moolri, learned counsel for the respondents opposes the application on the ground that the application is belated and that no such representation has been received by the Railway authorities.

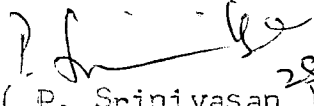
5. We are not inclined to accept the objection that this application is belated. A copy of the applicant's representation of 25.7.87 which is attached to the application and two acknowledgements, one dated 26.12.1987 ^{from H} by the Railway authorities and another dated 26.8.87 from the Department of Personnel have been shown to us, the genuineness of which we have no reason to doubt. Further, pension is a recurring monthly payment and the applicant being an old widow, may not have been aware of her rights till 1987. We find that in a judgement delivered on 15.4.1988 in OA-77/1987, Smt. Parsanben Vs. Union of India, the Ahmedabad Bench of this Tribunal had directed the respondents therein to consider the claim of the applicant for family pension and if it ~~was~~ found ^{to be} in order, to grant all such benefits as ^{were H} ~~are~~ admissible under the Railway Board's letter dated 26.7.1985 with effect from 22.9.1977. No doubt, in that case the Railway Servant retired from service on 10.6.1954, while here, the applicant's husband is said to have died while in service on 13.6.1961. Widows of Government servant who died while in service are entitled to family pension as much as widows of Government servant who ^{H die after they} have superannuated from service. The intention of Railway Board's circular dated 18.6.85 ^{was H} ~~is~~ to extend as a

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welfare measure, the benefit of family pension to widows of Government servants who retired or died long before the family pension scheme was brought into force. That being so, the said benefit cannot be denied to the applicant. We, therefore, direct the respondents to consider the application of the applicant for family pension and if necessary obtain further information thereon from her and if she is found eligible for family pension to grant her the same with arrears from 22.9.1977 within three month from the date of receipt of this order.

6. The application is disposed of on the above terms. MP-1320/89 also stands disposed of. Parties to bear their own costs.


(T.S. Oberoi)
Member (Judl.)


(P. Srinivasan)
Member (Admn.)

28/5/89