

**CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH, AHMEDABAD.**

**OA No.417/2020 with MA No.395/2020**

**This the 02<sup>nd</sup> day of November, 2020**

**COROM : Hon'ble Shri Jayesh V. Bhairavia, Member (J)  
Hon'ble Dr. A.K.Dubey, Member (A)**

Vijayaben Johnbhai Macwan  
(Divorcee daughter)  
Rana Dudha ni Chali,  
Nadiad. ....**Applicant**

**(By Advocate : Shri Navneet Taneja )**

Versus

1. The General Manager  
Western Railway,  
Churchgate, Mumbai – 400 020.
2. The DRM, Western Railway  
Pratapnagar, Vadodara – 390 004..... Respondents

**(By Advocate : Shri M.J.Patel )**

**O R D E R – ORAL**

**Per : Hon'ble Shri J.V. Bhairavia, Member (J)**

In the present case, it is the grievance of the applicant that she is divorced daughter of deceased railway employee – Johnbhai Macwan, who expired on 18.09.2013. During the life time of retired railway employee i.e. father of the applicant, the applicant took divorced and came back under the shelter of her parent along with her child and continue to stay along with his father as dependant. After the death of

the father of the applicant, she applied for family pension being divorce daughter. However, she was advised to obtain “Divorce Decree” from the competent court. Accordingly, she had approached the Family Court, Nadiad by way of Family Suit No.199/2018 and vide order dated 29.01.2019, said suit was approved and “Divorce Decree” was issued. Copy of the same was also submitted before the competent authority for consideration of her claim as Family Pension. However, till date, the respondents have not considered the case of the applicant.

It is further contended that during the life time of her retired father, she took customary divorce and had stayed with him. There was no occasion for her to claim any family pension or to obtain any “divorce decree” from the court. The case of the applicant requires to be considered sympathetically by the respondents.

Counsel for the applicant submits that an application for condonation of delay has also been filed.

**2.** On the otherhand, Shri M.J.Patel, standing counsel for the respondents appears and submits that on receipt of advance copy, he is appearing in this matter on behalf of the respondents. He fairly submits that if the claim of the applicant has yet not decided, the same will be considered and decided expeditiously.

**3.** In view of the above, we dispose of the OA with a direction to the respondent No.2 to consider the claim of the applicant for grant of

family pension being divorce daughter within sixty days from the receipt of copy of this order with due intimation to the application.

**4.** Accordingly, the OA stands disposed of. In view of the disposal of the OA, the MA also stands disposed of.

**(A.K.Dubey)**  
**Member (A)**

**(J.V.Bhairavia)**  
**Member (J)**

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