

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the **22nd** day of **January** 2021

Original Application No. 330/00827 of 2020

Hon'ble Justice Mrs. Vijay Lakshmi, Member (J)

Mrs. F.S. James, W/o late S.L. James, R/o D-59/138-C, Mission Compound Siga - Varanasi

. . .Applicant

By Adv : Shri A.K. Srivastava, Shri M.K. Srivastava and Ms. Charu Srivastava

V E R S U S

1. Union of India through General, North Eastern Railway, Gorakhpur.
2. Divisional Railway Manager, North Eastern Railway, Varanasi Division, Varanasi.
3. Sr. Divisional Personnel Officer, North Eastern Railway, Varanasi Division, Varanasi.

. . .Respondents

By Adv: Shri Pramod Kumar Rai

O R D E R

Shri A.K. Srivastava learned counsel for the applicant and Pramod Kumar Rai, learned counsel for the respondents, both are present.

2. Heard learned counsel for both the parties on admission and perused the record.

3. At the very outset, learned counsel for the applicant submitted that the applicant is a poor widow, who is waiting for family pension, since the year 1990, when her husband, who was working as Khalasi in the respondents department, expired. However, not even provisional pension, has been paid to the applicant despite the fact that a considerable time has expired since the death of her husband.

4. The grievance of the applicant is that despite the assurance given by the department and despite her several representations, nothing has been done by the respondents till date. Learned counsel for the applicant submits that the applicant will be satisfied at this stage if she is permitted to make a fresh representation before the respondent concerned, who is the competent authority, ventilating all her grievances and the competent authority in turn, be directed to decide the said representation, in a time bound manner by passing a reasoned and speaking order.

5. Learned counsel for the respondents has opposed the prayer on the ground of delay and latches.

6. In reply to aforesaid objection, learned counsel for the applicant has drawn my attention to the letter dated 06.05.2015 sent by the respondents, showing that the proceedings for payment of provisional pension had already been started on that date. Moreso, the applicant was under continuance assurance by the department, that she would get her dues in a short time. However, when not a single penny, even as provisional pensions, was paid to her, she had to move this Tribunal. It is also contended that non payment of pension is a continuing cause of action, hence, the matter cannot be considered as a delayed.

7. Having considered the rival contentions of learned counsel for both the parties and in view of the facts and circumstances of the case, it appears that no fruitful purpose will be served in keeping this matter pending and it is finally disposed of at the admission stage with the following directions to the parties :-

- i. The applicant is directed to make a fresh representation, ventilating all her grievances, within a period of 15 days from today, before the respondent concerned, who is the competent authority, alongwith a certified copy of this order.
 - ii. The Competent authority amongst the respondents, is directed to decide the aforesaid representation of the applicant by a passing reasoned and speaking order, in accordance with law, within a period of 2 months from the date of receipt the said representation alongwith certified copy of this order.
 - iii. The order so passed on the aforesaid representation of the applicant shall be communicated to the applicant without any delay.
8. It is made clear that this Tribunal has not expressed any opinion on the merits of the case.
9. There is no order as to costs.

(Justice Vijay Lakshmi)
Member (J)

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