

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/00855/2019

DATED THIS THE 9TH DAY OF FEBRUARY, 2021

CORAM:

HON'BLE SHRI SURESH KUMAR MONGA, MEMBER (J)

HON'BLE SHRI RAKESH KUMAR GUPTA, MEMBER (A)

1.Soniya,
D/o Venkatesh. C,
Aged about 21 years,

2.Kavya,
D/o Venkatesh. C,
Aged about 18 years,

3.V.Karthik,
S/o Venkatesh. C,
Aged about 14 years,
Minor,

All are represented by
Smt. Vasanthi (mother)
R/at No.448, 12th Cross,
6th Main, B-Block,
St. Thomas Town,
Bengaluru-560 084.

Applicants

(By Shri Narayana proxy for Shri M.R. Achar, Counsel for Applicants)

Vs.

1.The General Manager
Representing South Western Railway
Hubli Zone,
Hubli-580 020.

2.The Senior Divisional Personnel Officer
Bengaluru Division,
South Western Railway
Bengaluru-560 001.

3. Venkatesh. C,
S/o Chinnarayan,
Major,
R/a No.448, 12th Cross,
6th Main, B-Block,
St. Thomas Town,
Bengaluru-560 084.Respondents

(By Advocate Shri N.Amaresh proxy for Smt A.H. Sunitha for R 1 & 2
None present for R-3)

ORDER (ORAL)

PER: SURESH KUMAR MONGA, MEMBER (J)

The present Original Application has been filed by the applicants under Section 19 of the Administrative Tribunals Act, 1985 seeking therein a mandate to respondents No.1 and 2 to pay a sum equivalent to 50% out of the pension and other terminal benefits of Respondent No.3. to applicants No. 1 to 3 jointly.

2. At the very outset, learned counsel for the applicants submitted that before filing the present Original Application, the applicants had submitted a representation dated 23.01.2019 (Annexure A-6), on which no decision has been taken by the respondents.

3. Learned counsel further submitted that the applicants will be satisfied if a direction is issued to the respondents to decide their pending representation within a time frame.

4. Keeping in view the aforesaid limited prayer made by learned counsel for the applicants, we deem it appropriate to dispose of the Original Application without entering into the merits of the case.

5. Accordingly, the Original Application is disposed of with a direction to Senior Divisional Personnel Officer, Bengaluru Division, South Western Railway, Bengaluru to decide the applicants' pending representation dated 23.01.2019 and pass a reasoned and speaking order in accordance with law. Before taking such a decision, the applicants shall also be afforded an opportunity of hearing. In case a supplementary representation is submitted within a period of 15 days from today, the same shall also be taken into consideration while deciding the applicants' claim. The whole exercise shall be undertaken within a period of 2 months from the date of receipt of a certified copy of this order.

6. Original Application stands disposed of in the above terms. However, there shall be no orders so as to costs.

**(RAKESH KUMAR GUPTA)
MEMBER (A)**

vmr

**(SURESH KUMAR MONGA)
MEMBER (J)**