

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00465/2020

Friday, this the 9th day of October 2020

C O R A M :

**HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER
HON'BLE Mr.K.V.EAPEN, ADMINISTRATIVE MEMBER**

M.Thomas Kuriakose
Aged 84 years
S/o.Thomas, Retired Inspector of Works (C),
Jannu Tawi, Moradabad Division, Northern Railway
Now residing at Chethipurackal House, Malakunnam
Changanacherry, Kottayam – 686 935
Ph: 9495334801 ...Applicant

(By Advocate M/s.Varkey & Martin)

versus

1. Union of India represented by the General Manager
Northern Railway, Baroda House
New Delhi – 110 001
2. The Senior Divisional Personnel Officer
Northern Railway Moradabad Division,
Moradabad, U.P – 244 001
3. The Senior Divisional Finance Manager
Northern Railway, Moradabad Division,
Moradabad, U.P – 244 001

(By Advocate : Mr.Sunil Jacob Jose)

This application having been heard through video conference on 9th October

2020, this Tribunal on the same day delivered the following :

ORDER (ORAL)

HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER

The applicant, aged 84 years, is a retired Inspector of Works of Moradabad Division of Northern Railway. His wife passed away on 26.1.2017. Hence the applicant submitted Annexure A-4 representation before the second respondent on 3.9.2019 for inclusion of his divorced dependant daughter as a nominee in his PPO for family pension. As there being no response to Annexure A-4 representation, applicant has approached this Tribunal praying for the following reliefs:

"I) Declare that the applicant is entitled to include his divorced daughter Joby Kuriakose as the beneficiary for family pension and; direct the respondents accordingly.

II) Award costs of and incidental to this application.

III) Grant such other relief, which this Honourable Tribunal may deem fit and proper in the circumstances of the case."

2. When the matter came up for consideration, it is found that the applicant's representation at Annexure A-4 is still pending before the competent authority and there is no impugned order passed by the respondents so far. Hence the applicant has not exhausted his remedies. As per Railway Board letter No.F(E)III/2007/PNI/5 dated 26.9.2013, the Railway had issued instructions to implement Department of Pension

& Pensioner's Welfare O.M No.1/13/09-P&PW dated 11.9.2013 making dependant divorced daughters also for getting family pension.

3. In view of the above orders of Railway Board, without going into the merits of the matter, the Original Application is disposed of at the admission stage itself with a direction to the respondents to consider Annexure A-4 representation of the applicant and pass a reasoned and speaking order based on the rules and regulations, within a period of two months from the date of receipt of a copy of this order.

4. The O.A is disposed of as above. No costs.

**(K.V.EAPEN)
ADMINISTRATIVE MEMBER**

**(P.MADHAVAN)
JUDICIAL MEMBER**

SV

List of Annexures

Annexure A1 - A true copy of the PPO No.089414377 dated 21.3.1994

Annexure A2 - A true copy of the death certificate dated 28.2.2017 issued by the Secretary, Kurichy Grama Panchayat

Annexure A3 - A true copy of the letter No.1/6/08-P&PW(E) dated 22.6.2010 issued by the Ministry of Pension and Pensioner Welfare

Annexure A4 - A true copy of the application dated 3.9.2019 to the second respondent (without enclosures) submitted by the applicant

Annexure A5 - A true copy of the cover page and 3rd page of the Technical School Leaving Certificate Book No.11483 his daughter Joby Kuriakose.

Annexure A6 - A true copy of the Aadhar Card No.;9749 0428 1247 of the applicant's daughter.

...