

(A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

....

O.A.NO. 2860/91

DATE OF DECISION: 09.04.1992.

SMT. MANORAMA DEVI

....

APPLICANT

VERSUS

UNION OF INDIA & ORS.

....

RESPONDENTS

CORAM:-

THE HON'BLE MR. S.P. MUKERJI, VICE-CHAIRMAN

THE HON'BLE MR. T.S. OBEROI, MEMBER(J)

COUNSEL FOR THE APPLICANT : SH. V. SHEKHAR

COUNSEL FOR THE RESPONDENTS : SH. I.C. SUDHIR

1. Whether Local Reporters may be allowed
to see the Judgement?

2. To be referred to the Reporters or not.

JUDGEMENT(ORAL)

(delivered by Hon'ble Mr. S.P. Mukerji, Vice-Chairman)

In this application, the applicant has claimed the family pension on the death of her husband late Shri Sadhu Ram Kathuria who retired on 28.2.1979 from the Railway and died on 24.9.1988. The applicant prayed for family pension in her application dated 28.7.1989 at Annexure-B which was replied to by the respondents vide Annexure-C dated 22.8.1989. The applicant made a further representation at Annexure-D dated 6.1.1990 which has not so far been replied to. The learned counsel for the respondents stated that the deceased had ~~not~~ given ^{an} ~~any~~ indication in the Family Pension Form

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which was filled up by him on 17.3.1979(a photo copy has been produced before us) that his wife had expired. The applicant has not produced any proof of her being ^{the} legally wedded wife of the deceased before his death on 24.9.1988. In her representation dated 6.1.1990, however, she had categorically stated that she is ^{the} legally wedded wife of the deceased late Shri Sadhu Ram Kathuria and ^{that} she has four children of the deceased and that at the time of his death he was staying with her and one of his sons Shri Prem Kathuria.

In the facts and circumstances, we ADMIT the application and dispose of the same with the direction to Respondent No.3 to dispose of the representation of the applicant dated 6.1.1990 after giving her a personal hearing and opportunity to produce such documentary ^{and other} evidence in support of her assertions. In case the application dated 6.1.1990, the receipt of which is not being denied by the learned counsel for the respondents, is not readily available, Respondent No.3 should consider Annexure-B of the application and dispose of the same on the above lines. Personal hearing should be given to the applicant within a period of one month from the date of communication of this order and the representation be disposed of in accordance

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with ^{Law} within a period of two months thereafter.

There will be no order as to costs.

T.S. Oberoi
(T.S. OBEROI)
MEMBER(J)
09.04.92

S.P. Mukerji / 9.4.92
(S.P. MUKERJI)
VICE-CHAIRMAN
09.04.92

/vv/
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