

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD.

Dated: Allahabad, the 27th day of February, 2001

Coram: Hon'ble Mr. S. Dayal, Member (A)

ORIGINAL APPLICATION No. 1368 OF 1996

1/A. Surendra Kumar,

1/B. Mahendra Kumar,

1/C. Virendra Kumar

All sons of late Sri Raj Bahadur,
r/o vill. Nambarkhara, Post-Karbigwan,
Tehsil and Distt. Kanpur Nagar.

(By Advocate Sri Anant Vijay) Applicants

Versus

1. Union of India, through Secretary,
Ministry of Railways, Delhi.

2. Divisional Railway Manager (N.R.),
Allahabad.

3. General Manager (N.R. Baroda House),
New Delhi.

(By Advocate Sri A. K. Gaur) Respondents.

O_R_D_E_R (ORAL)

(By Hon'ble Mr. S. Dayal, AM)

This application has been filed for a direction to Respondent No.3 to grant Family Pension to the applicant. Another prayer made is for grant of the compassionate appointment to the applicant's son. The learned counsel for the applicant mentions that he does not want to press for the second relief claimed, as already stated on 4.6.2000.

2. The case of the applicant is that her husband was employed as Class IV employee on the post of Greaser Khalasi. He died in harness on 27.2.1973, leaving

behind 4 daughters and 3 sons. The applicant represented on 6.8.73, 26.12.73, 6.2.74, 3.6.74 and 8.1.75 for release of terminal benefits. Rs.4,000/- was paid as a terminal benefits in 1974, but no pension was allowed. Therefore, the applicant moved representations on 14.6.85, 19.9.86, 26.12.87, 5.1.90 and 10.2.92 for release of family pension. A legal notice was sent to the respondents on 20th August, 1995. Another letter was sent to the Respondents on 20.5.96.

3. Arguments of Sri Anant Vijai, learned counsel for the applicant and Sri M.K.Sharma, proxy counsel of Sri A.K. Gaur for the Respondents were heard. Learned counsel for the applicant reiterated the averments made in the application. Learned counsel for the Respondents contested the claim of the applicant on the ground that the deceased employee was his SRPF optee and had not opted for Family Pension Scheme. It is mentioned that the applicant was given opportunity for opting for Family Pension Scheme by a letter dated 22.11.74 by Respondents. Another letter was sent by the Respondents to refund Rs.1938/- already paid towards bonus and surcharge to PF, but he failed to do so within time limit provided for accepting the option. The applicant's prayer for adjusting the amount of Rs.1938/- was denied by the letter dated 29.9.75. The applicant widow has died on 28.5.99 and has been substituted by the three sons of the deceased employee.

4. As the applicant has died and the case is an old case, grossly barred by limitation, I do not consider it proper to grant any relief. Hence, O.A. is dismissed. No order as to costs.


(S. DAYAL)
MEMBER (A)

Nath