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Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

original Application No. 352 of 1997

Allahabad this the 04th day of April, 2001

Hon'ble Mr.S.K.I. Naqvi, Member (J)

Smt.Raj Kishori Devi, Widow of Late Shri Bhagwati Prasad Srivastava(B.P.Srivastava) resident of C/o Shri Raj Bahadur Srivastava, Patvari Mauza, Dondia-pur, P.O. Sikandara, District Kanpur Dehat at present residing at Jalaun Mohallà, Joshiana , Jalaun, Distt. Jalaun.

Applicant

By Advocate Shri P. Chandra

Versus

1. Union of India through the Ministry of Railways
New Delhi.
2. General Manager/Divisional Manager, Northern
Eastern Railway, Gorakhpur.
3. The District Controller of Stores, Eastern
Railway, Alambagh, Lucknow.

Respondents

By Advocate Shri G.P. Agrawal

O_R_D_E_R (Oral)

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

Smt.Raj Kishori Devi has come up seeking relief to the effect that the respondents be directed to grant pension to the petitioner.

2. As per applicant's case, her husband Late Shri Bhagwati Prasad Srivastava was in employment

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of respondent no.3 and was working as Substitute Clerk in the Office of Eastern Railway. During the tenure of his service, he expired on 06.4.46 at Charbagh dispensary leaving behind him the applicant and a child aged about 2 years. This child also expired after 2 years from the date of death of Late Shri B.P. Srivastava. After the death of her husband, the applicant moved and application to respondent no.3 regarding the payment of settlement amount but nothing paid to her. The petitioner has come to know that now the provision to grant pension to the dependants of deceased employee of Central Government has been made and the applicant also becomes entitled for the same for which she again moved the respondents, but of no avail and, therefore, has come up before the Tribunal, seeking the relief as above.

3. The respondents have come up raising objection against the grant of relief as sought for by the applicant in the O.A.

4. Heard counsel for the parties and perused the record.

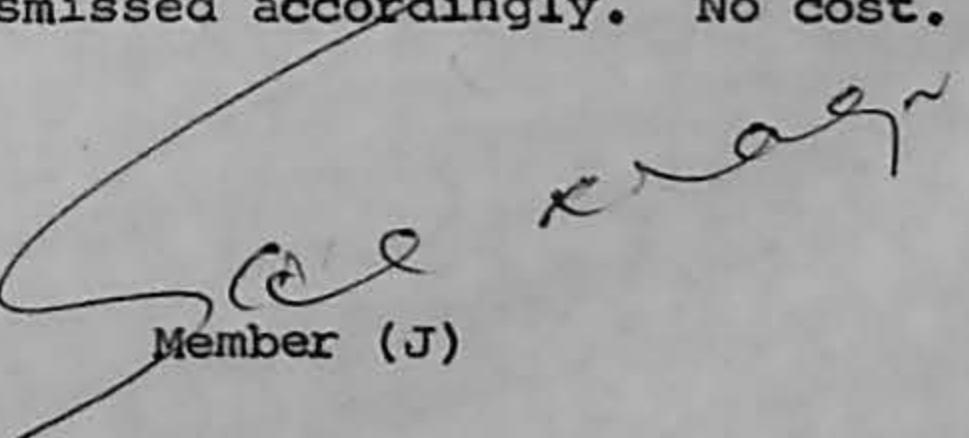
5. Learned counsel for the applicant has relied on circular dated 26.7.85, copy of which has been annexed as annexure -4 which mentions for provision for family pension to families of railway employees governed by Pension Scheme and retired or died before 01.1.1964.

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6. Considered the arguments, perused the record and scrutinised the facts in the light of this circular dated 26.7.85. This circular dated 26.7.85 mentions in sub clause that the matter for consideration of family pension of those employees who died or retired before 01.1.64 was considered but decision taken thereon has not been incorporated in this circular. Moreover contents of this circular letter have no mention regarding the family pension to the families of those who retired or died before ~~before 01.1.1964~~ ^{but he/ Covered under liberalised Railway pension scheme} It is also relevant to be considered that the matter taken up in that circular was of 26.7.85 was in respect of those railway employees who were governed by Pension Scheme, but it has no where been averred that the deceased husband of the applicant was governed by that Pension Scheme.

7. It is a matter in which the husband of the applicant is said to have died in 1946, the circular relied upon is of 26.7.85 and the present O.A. has been filed in the year 1997 and, therefore, it suffers from delays and latches also.

8. For the above, I do not find any merit in the O.A., which is dismissed accordingly. No cost.


Member (J)

/M.M./