

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

ORIGINAL APPLICATION NUMBER 1685 oF 2004

ALLAHABAD, THIS THE 29<sup>th</sup> DAY OF JULY 2005

HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)

Amar Deo Mishra,  
Son of Late Ram Dhani Mishra  
Resident of Village Jagdishpur, Bhaluwan,  
District Gorakhpur.

..... Applicant

(By Advocate : Shri K.N Rai/Sri S.K. Singh)

V E R S U S

1. The Union of India through the Secretary Ministry of Railways,  
Government of India at  
New Delhi.
2. The Divisional Railway Manager  
Dhanbad, Eastern Railway,  
Dhanbad Bihar (India)
3. The Treasury Officer,  
Gorakhpur (U.P).

..... Respondents

(By Advocate: Sri K.P. Singh)

O R D E R

Grievance of the applicant in this case is that his father died on 27.10.1991 when applicant was still minor and as per the investigation made by the Railway themselves, it was found that applicant was only 17 years of age. He has annexed the so called reports along with his supplementary affidavit. It is submitted by the applicant that he was given lumpsum in the year 2000 on account of family pension up to 1995 only. Thereafter it was stopped, whereas he was entitled to get it up to the year 1999 as the date of his birth is 01.03.1974. He being aggrieved gave number of representations for releasing the family pension in his favour up to 1999 but none of his representations have been given

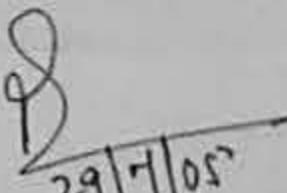
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any reply. Therefore, he had no other option but to file the present original application.

2. I have heard counsel for the applicant and perused the pleadings including the supplementary affidavit.

3. He has annexed his transfer certificate from Sarvodaya Kishan Inter College Gorakhpur to show his date of birth is 01.03.1974. He has also annexed the certificate of Gram Pradhan to show that Shri A. D. Mishra i.e. the applicant is shown to be borne on 01.03.1974 as per the register maintained and was studying in class-8<sup>th</sup>, which was passed by him in 1986 (pg.15). He has also annexed the report submitted by the Tehsildar before the District Magistrate to show that applicant was only 17 years of age at the time of death of his father i.e. 27.10.1991. However, these are the facts, which would have to be looked into by the department and they alone can explain why applicant has not been given pension after 1995. Since it is submitted by the applicant, that he has already submitted number of representations starting from Pg.21 onwards, I think ends of justice would be met if this O.A. is disposed of at the admission stage itself by directing the respondent No.2 to get the matter verified at appropriate level and pass a reasoned and speaking order thereon within a period of 3 months, from the date of receipt of a copy of this order, under intimation to the applicant. In case the applicant is found to be entitled for family pension up to year 1999 the same shall be paid to the applicant within a reasonable period thereafter, otherwise he should be informed the reasons as to why he cannot be given family pension after 1995. Ordered accordingly. 8

4. With the above directions, this O.A. stands disposed off. No order as to costs.

  
29/7/05  
Member (J)