

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.378 OF 2004
ALLAHABAD THIS THE 21st DAY OF JULY, 2004

HON'BLE MRS. MEERA CHHIBBER, MEMBER-J

Smt. Girja Devi,
W/o Sri Shyam Sunder,
S/o Balli Khengar, aged about 27 years,
in the house of Jagdeo Shiv-harey,
In front of Viaji Gur-waley, Near Gangrahi Tank,
Attrra PO Attrra Distt. Banda (UP).

.....Applicant

(By Advocate Sri S.N. Khare)

Versus

1. Union of India,
through the General Manager,
NCR Jhansi.
2. Divisional Railway Manager,
NCR Jhansi.

.....Respondents

(By Advocate Sri D. Awasthi)

O R D E R

By this O.A. applicant has sought the following
reliefs:-

"a) The respondents be kindly directed to make immediate payments to the petitioner as due to her husband and quoted in (1) of subject of representation dated 19.5.2003 and all retiral benefits including pension to the petitioner as 'family pension' on and from 25.2.96 quoted in (2) of subject of this representation;

b) And, in addition, to pay all interest and interest on 'delayed' payments of these dues as per rules;



C) to issue 'Pension Pay Order' in favour of the petitioner as 'family pension' immediately as the petitioner is starving and is in distress."

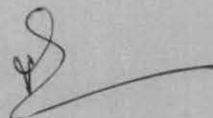
2. It is submitted by the applicant that her husband Sri Shyam Sunder son of Balli Khengar was a permanent Railway employee who was working as Cabinman at Attarra Railway Station on 25.02.1996. He left from his residence for performing his duties but since then he is missing and his 'Whereabouts' are not known till date. She tried to lodge an F.I.R. on 16.08.2001 with SO Police Station requesting them to record that her husband is missing and to find out the 'Whereabouts' of him which was followed by reminders dated 28.08.2001, 22.12.2001, 27.05.2002 and 17.07.2002 but no reply has been given to her nor F.I.R. was lodged. It is submitted by her that she even wrote to the District Superintendent of Police Banda to direct the SO/PS Attarra to expedite the investigation and intimate result of said investigation but no reply has been given to her requests. She has submitted that as per the Railway Boards letter dated 22.08.1991 (Page 15) and 29.09.1986 (Page 16) when a person is missing and can not be traced inspite of best efforts of police, he shall be presumed as dead under section 108 of the Evidence Act and all the terminal benefits are to be given to the widow or legal heirs, therefore, she has given a representation to the D.R.M., NCR, Jhansi (page 5) also with a prayer to pay her all the retiral benefits alongwith family pension as she is in financial distress. She gave her representation on 19.05.2003 which was followed by reminder dated 29.09.2003 but till date no reply has been given to her. Applicant has also filed an application for condonation of delay on the ground that she had been trying her best to find out the 'Whereabouts' of her husband, but when nothing has been told about him she has approached the

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authorities but without any results. She is a poor lady with no bread earner in the family, therefore, the delay in approaching the court may be condoned.

3. Counsel for the respondents was seeking time to file reply, but at this stage, I do not think it necessary to call for the reply as it would be necessary for the authorities to first check up the situation from Police Station Attarra to know the outcome of the investigation. In case, the police authorities give report that they have not been able to find out the 'Whereabouts' of the missing person, department shall pass appropriate orders in accordance with law on the basis of instructions issued by Railway Board on the subject from time to time. I am giving this direction to the D.R.M. because after all, an illiterate lady would not be able to pursue the matter with the police authorities as effectively as an officer from the Railways can do. After all, she has alleged that her husband had gone to duty on 25.02.1996 from where he had dis-appeared, therefore, it is equally the duty of respondents as well, to help the poor lady in settling the matter because in case she is entitled to get some amount on account of the employee being missing from the ^{newly} ~~seen~~ for more than seven years, or is entitled for grant of compassionate appointment then the law must take its own course.

4. In these circumstances, respondent no.2 is directed to help the poor lady out, by corresponding with the concerned police station at Attarra to find out the



correct status and then to pass a reasoned order within a period of four months from the date of receipt of a copy of this order under intimation to the applicant.

5. With the above direction, this O.A. is disposed of ^{at} the admission stage itself without going into the merits of the case. No order as to costs.



Member-J

/Neelam/