

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

OPEN COURT

ORIGINAL APPLICATION NO. 863 OF 2004.

ALLAHABAD THIS THE 06TH DAY OF February 2008.

Hon'ble Mr. Ashok S. Karamadi, J.M

Smt. Malti Devi aged about 45 years wife of late Shri Ghanshyam resident of 241/49 Nainagarh, Prem Nagar, Jhansi.

.....Applicant

(By Advocate: Shri R.K Nigam)

Versus.

1. Union of India through General Manager, North Central Railway, Allahabad.
2. Divisional Railway Manager, North Central Railway, Jhansi.

.....Respondents

(By Advocate: Shri Gautam Chaudhary)

O R D E R

This application is filed seeking direction to the respondents to appoint the widow of deceased railway employee and also claiming to pay the arrears of pensionary benefits.

2. It is stated that the applicant has made a request to the respondents produced as Annexure 5 dated 4/6.5.2004 inspite of the same, respondents have not adhered to the said representation passed any appropriate order.


3. On notice, respondents have filed counter affidavit in detailed with regard to the claim of applicant. Respondents have stated that they have not received any representation filed by the applicant. On the other hand,



respondents have submitted that applicant was submitted an application for compassionate appointment for his son and the same was considered by the Competent Authority and rejected vide letter dated 26.7.2002. It is further submitted that at the time of death of husband of the applicant, husband of applicant was not in Railway, therefore, applicant is not entitled for family pension. Having regard to the submission made by respondents, it does not survive for consideration and deserves to be dismissed.

4. On hearing, learned counsel for the applicant and respondents, there is no dispute that the consideration taken by the respondents with regard to the claim of widow of deceased railway employee for compassionate appointment but with regard to the claim made by the applicant for pensionary benefits, whether legal heirs are entitled or not. On the basis of contention taken in the representation produced as Annexure A-5 shall be decided by the respondents. In that view of the matter, I think just and proper to direct the respondents to consider and decide the representation of the applicant within a period of three months from the receipt of the copy of the order.

5. With the above direction, the O.A. is disposed of. No costs.


Member-J

Manish/-