

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.147/2021 with MA No.233/2021

This the 25th day of June, 2021.

**Coram : Hon'ble Shri Jayesh V.Bhairavia, Member (J)
Hon'ble Dr. A.K.Dubey, Member (A)**

Gulshan Kumar Pannalal Varun,
Residing at : 19, Ram Nagar Society
Near Saint Arnold School
Godhra – 389 001. Applicant

(By Advocate : Shri Prabhatsinh Parmar)

Versus

1. Union of India & Ors.
The Financial Adviser for Pension
Western Railway,
Churchgate, Mumbai 400 020.
2. Divisional Financial Manager
Western Railway
Pratapnagar, Vadodara 390 004.
3. Divisional Railway Manager
Western Railway
Pratapnagar, Vadodara 390 004..... Respondents.

O R D E R (ORAL)

Per : Hon'ble Shri J.V. Bhairavia, Member (J)

1. Considering the grounds stated in the MA No.233/2021 for condonation of delay, the same is allowed.
2. Counsel for the applicant, Shri Prabhatsing Parmar submits that the mother of the applicant, who was beneficiary of the family pension, expired on 23.11.2016. The applicant who is physical challenged person having 42% of disability applied for grant of family pension

with consent of other legal heir i.e. brother of the applicant. Since no action was taken on his application, the applicant had submitted another representation dated 29.10.2018. In response to it, vide letter dated 05.04.2019 (Annexure A/8), the respondent No.3 informed the applicant to submit certain documents such as (i) Affidavit issued by Executive Magistrate regarding still unmarried in favour of him, (ii) Copy of Phedhinama issued by TALATI, (iii) Proof of death of father and mother, (iv) Date of proof of applicant's all brothers and sisters with NOC issued by Executive Magistrate and (v) Income Certificate issued by Executive Magistrate.

3. Counsel for the applicant further submits that pursuant to the letter dated 05.04.2019 (Annexure A/8), the applicant had submitted all documents asked for. However, the respondents have not considered the case of the applicant for grant of family pension till date. He also submits that again detail representation was submitted followed by notice in this regard was also issued on behalf of the applicant on 07.12.2020 (Annexure A-9) since the respondents have not considered the case of the applicant, till date, not responded to it. Hence, this OA.

4. In the present case, it is noticed that in the representation / notice issued on behalf of the applicant dated 7.12.2020 (Annexure A/9), it has been stated that on 16.8.2019 the applicant had submitted all documents asked for by the respondents vide their letter dated 05.04.2019. It is specific plea of the applicant that till date the

respondents have not taken any decision after he has submitted all the requisite documents in support of his claim of grant of family pension being unmarried physical challenged son of deceased Railway employee.

5. Considering the aforesaid factual matrix and more particularly it is stated that after submission of requisite documents for grant of family pension the respondents have not taken any decision, we dispose of the OA at admission stage with a direction to the respondents that if till date the claim/ representation of the applicant for grant of family pension is pending, the same may be considered and decided as per the scheme in vogue, appropriate decision be taken with due intimation to the applicant within three months from the date of receipt of a copy of this order.
6. The OA stands disposed of. No order as to costs.

**(A.K.Dubey)
Member (A)**

**(J.V.Bhairavia)
Member (J)**

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