

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Allahabad this Tuesday, the 08th day of September, 2021

Original Application No. 330/00671/2021

Hon'ble Mrs. Justice Vijay Lakshmi, Member (Judicial)

1. Anamika Tiwari, a/a 29 years, D/o Mritunjay Tiwari.
2. Ankita Tiwari, a/a 26 years, D/o Mritunjay Tiwari.

Both resident of Quarter No.751A, Near Central Colony, Pandit Deen Dayal Upadhyay Nagar, Chandauli.

. . .Applicants

By Advocate : Shri Amit Kumar Singh

V E R S U S

1. Union of India through the Secretary, Ministry of Railway (ECR), New Delhi.
2. General Manager, East Central Railway, Hazipur, Bihar.
3. Divisional Railway Manager, Pandit Deen Dayal Upadhyay Nagar, District Chandauli.
4. Divisional Finance Manager (ECR), DDU, Chandauli.

. . .Respondents

By Adv: Shri P.K. Rai

O R D E R

By Hon'ble Mrs. Justice Vijay Lakshmi, Member (Judicial)

Shri Vishwajeet Mukherjee holding brief of Shri Amit Kumar Singh, learned counsel for the applicants and Shri P.K. Rai, learned counsel for the respondents, who has appeared on advance notice, both are present in Court.

2. Heard learned counsel for the parties on admission and perused the record.

3. The only relief claimed by the applicants in this OA, is a direction to the respondents to decide their representation dated 13.08.2021 (Annexure-4).

4. At the very outset, learned counsel for the respondents submitted that the representation of the applicants has already been decided by the Competent Authority vide order dated 30.08.2021. He has filed the copy of the aforesaid order dated 30.08.2021 passed on the representation, which is taken on record. The aforesaid order passed on the representation shows that the deceased employee Shri Mritunjay Tiwari, who was serving as a Guard in the Railways, was declared missing on 23.04.2020. After that his wife Smt. Anita Tiwari was paid the entire amount of GPF, Group Insurance and Leave Encashment. The PPO related to Family Pension was also issued in her favour. However, only the amount of Gratuity was withheld due to the reason that the Government Quarter was still in her possession.

5. It is contended by learned counsel for the respondents that as the representation has already been decided, which is the only relief claimed in this OA, the OA has become infructuous and it may be dismissed as such at the admission stage.

6. In reply, learned counsel for the applicants submitted that the applicants are unmarried daughters of Smt. Anita Tiwari, to whom the respondent department has paid the entire retiral dues of their father. However, as their mother is mentally weak, the brother of the applicants has taken their mother with him and he is not paying any amount for the maintenance of the applicants. Therefore, it has been prayed by learned counsel for the applicants that some direction may be issued to DRM to pay

certain amount to the applicants also, out of the family pension, as they have no independent source of income.

7. In view of the facts and circumstances of the case and considering that the representation of the applicants has already been decided by the Competent Authority and thus the relief claimed in the OA has been granted, the instant OA is liable to be disposed off finally at the admission stage as having being infructuous.

8. At this stage, learned counsel for the applicants prayed that some direction may be given to DRM, for survival of the applicants, both of whom are unmarried daughters of the missing employee and both of whom have been denied any benefit from family pension. A perusal of the order dated 30.08.2021 passed by DRM shows that no one has yet applied for compassionate appointment. In view of the above, the applicants may apply for compassionate appointment being the valid legal heirs of the missing employee. It is also open to DRM/Competent Authority, to pass suitable orders regarding disbursement of the family pension.

9. With the aforesaid observation, the OA is disposed of at the admission stage itself. No order as to costs.

(Justice Vijay Lakshmi)
Member(Judicial)

RKM/