

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

O.A. No. / T.A. No. 1796/94

Date of decision 18.8.2000

Phakur Deyi Applicant(s)

Gashri S.S. Sharma Counsel for the
Applicant (s)

VERSUS

U.O.T. Lothar Respondent (s)

C.R. Shri A.K. Gaur Counsel for the
Respondent(s)

C O R A M

Hon'ble Mr. S.K.P. Nagri V.C./Member (J)
Hon'ble Mr. _____ Member ()

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether their Lordship wish to see the fair copy of the judgment ?
4. Whether to be circulated to all Benches ?

Signature

PIYUSH/

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1796 of 1994

Allahabad this the 18th day of August, 2000

Hon'ble Mr.S.K.I. Naqvi, Member (J)

Thakur Deyi, Widow of Late Udai Raj, Leverman
(SLF No. H 2114), Smith Road, Railway Colony,
Allahabad.

By Advocate Shri S.S. Sharma Applicant

Versus

1. The Union of India owning and representing Eastern Railway, notice to be served upon The Divisional Railway Manager, Eastern Railway, DRM Office, Sealdah (West Bengal)
2. The Chief Operating Superintendent, Eastern Railway, D. R.M. Office, Sealdah (West Bengal).

Respondents

By Advocate Shri A.K. Gaur

O R D E R

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

Smt.Thakur Deyi-widow of Late Udai Raj has come up seeking relief to the effect that the respondents be directed to grant and pay family pension to her w.e.f. 13.12.1969 with interest thereon at the rate of 18% per annum, and also to direct the respondents to appoint her son in Railway service on compassionate ground. It has also been requested that the respondents be directed to

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pay at-least exgratia pension (granted to deceased CPF employees) to the applicant, incase it is found that deceased husband of the applicant did not opt for pension and she is not entitled for payment of family pension.

2. As per applicant's case, she is widow of Late Udai Raj Ahir, who died in harness on 12.12.1969 while ^{in Service} ~~working~~ as Leverman (SLF No.H 2114) under Station Master, Eastern Railway, Nehatti and as per Railway Services (Pension) Rules, 1993, the applicant is entitled to the payment of family pension since 13.12.1969, but the same has not been paid to her. She also mentioned that her son- Ghanshyam also deserves to be considered for appointment on compassionate ground, who was hardly one year six months old at the time of death of his father and now has attained the age of majority. It has also been pleaded that when she came to know her right about the payment of family pension, she preferred a representation on 20.1.1994 to D.R.M., Eastern Railway, Sealdah, but no reply has been received by her ~~in~~ nor any action has been taken by the respondents in this regard.

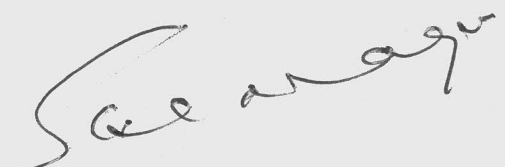
3. The respondents have contested the case and filed their counter-reply pleading therein that Late Udai Raj died on 12.12.1989(1969), while he was holding the post of Leverman, Nehatti and as per record, his date of birth was 29.6.1931 and date of appointment is 12.6.1956. After the death

of Udai Raj, all settlement dues were passed on 05.5.1970 and 26.9.1970, except family pension as he did not opt for pension during his service tenure. Therefore, the applicant is not entitled to any family pension.

4. Heard, the learned counsel for the parties and perused the record.

5. As per applicant's case, she made a representation to the respondents on 20.1.1994, but she has not been communicated with any order thereon. Under the circumstances, I find it a fit case in which the respondents may be directed to dispose the pending representation of the applicant expeditiously.

6. For the above, the respondents are directed to pass reasoned, speaking and detailed order on the pending representation dated 20.1.94 of the applicant, copy of which has been annexed as annexure A-6 to the O.A., within 3 months from the date of communication of this order, by the applicant. It is also provided that incase the applicant is found entitled to exgratia pension, the same may be allowed to her. The O.A. is disposed of accordingly. No order as to costs.



Member (J)

/M.M./