

RESERVED

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

(THIS THE 12th DAY OF April, 2010)

PRESENT:

HON'BLE MRS. MANJULIKA GAUTAM, MEMBER-A

ORIGINAL APPLICATION NO. 79 OF 2002
(U/s, 19 Administrative Tribunal Act.1985)

Gujrati Devi Widow of Late Shri Mahangoo Ram
R/o Village Tarighat Post Office Terighat District
Ghazipur.

..... Applicant

By Advocate: Shri Kamlesh Kumar Yadav.

Versus

1. The Union of India through General Manager E.C. Railway Hazipur.
2. General Manager C Railway, Hazipur.
3. Divisional Railway Manager, E.C.Railway, Sonpur.
4. Senior Divisional Personal Officer, E.C.Railway, Sonpur.

..... Respondents

By Advocate : Shri K.P.Singh.

ORDER

Heard both the parties counsel.

2. The Applicant is the wife of Late Shri Mahangoo Ram, who was appointed as fitter Khalasi (Mecl) on 01.3.1960. Shri Mahangoo Ram passed away on 14.2.1992. The applicant has made representation to the authority concerned for family pension and other retiral benefits. After not getting any response she filed O.A. No. 1336/96 which was disposed of on 07.08.2000, directing the Respondents to pass reasoned order after affording the opportunity of personal hearing to

Manjulika

the petitioner within 3 months from the date of communication of the other. Thereafter Applicant made another representation on 11.10.2000 and finally filed Contempt Application No. 106/2001.

3. The Applicant has called for personal hearing by Respondent No. 4 where she was asked to sign a letter which is placed at annexure A-3 and which states that her husband absconding from 1971 to 1989. Final orders were passed on 30.10.2001 placed at Annexure 4, stating that the husband of the applicant was absconding from June, 1971 till his death on 14.10.1992, therefore, orders that "employee deemed to have resigned on 01.6.1971" were passed. The request of the Applicant for compassionate appointment was also rejected vide this order.

In the absence of counsel for the applicant in the contempt proceedings the proceeding were dropped vide order passed on 13.10.2001 that order of the Tribunal have been complied with.

4. Being aggrieved the applicant has filed the present O.A. seeking the following reliefs:-

1. *To issue a writ order, direction in the nature of mandamus thereby commanding the respondents too provide the family pension due to death of her husband who was working under the respondents.*
2. *To issue any other writ, order and direction as this Hon'ble court may deem fit and proper in the circumstances of the case.*
3. *To award cost to the petitioner.*

5. The case of the respondents it that the husband of the Applicant was absconding from duty w.e.f. 01.06.1971 and accordingly he was treated to have resigned from service with effect from the same date. In view of the same family pension or any other benefit is not

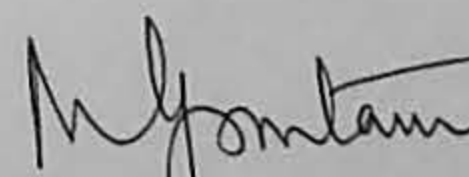
M. J. Prasad

admissible to the family. On the basis of P.F sheet 1962-63 supplied by the applicant the amount of Rs. 6592/- as P.F. with cumulative interest was released in favour of the applicant vide cheque No. F41580 dated 19.10.2001 as such there is no other outstanding due to her.

6. In the Supplementary Affidavit filed by the Applicant, certain documents have placed on record as Annexure - 1, 2, 3 and 4 which show that husband of the Applicant Late Shri Mahangoo Ram passed the test for the post of Greaser vide order dated 06.09.1968 and was accordingly posted on the post of Greaser in the scale of Rs. 75 - 110 (AS) vide the order dated 12.9.1968. His name also figures in the seniority list issued on 30.1.1965, where he figures at serial No. 78.

7. This record shows that husband of the Applicant was a regular employee of the Railways and that he was working regularly until 1971 when he was shown to be absconding from duty. It would be appropriate if the documents filed by the applicant along with Supplementary Affidavit are taken into account by the Respondents and in the light of the same and extant Rules the matter of sanction of family pension is looked at afresh and decided within a period of three months from the date of receipt of copy of this order.

8. With the above direction the O.A. is disposed of. No order as to costs.


Member (A)

/Shashi/