

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 23rd day of August, 2002.

Original Application No. 921 of 2002.

By Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman.

Pradeep Kumar Vishwakarma S/o Late Ganesh Vishwakarma
R/o Vill. Ramsapar, PO. Duraonda, Distt. Siwan (Bihar).

.....Applicant

Counsel for the applicant :- Sri Ravindra Sharma

V E R S U S

1. Union of India through the General Manager,
Captain Gouracharan
Northern Railway, New Delhi.
2. D.R.M (Karmik), Izzatnagar.
3. Account Officer, *Math*
Eastern Railway, Izzatnagar.

.....Respondents

Counsel for the respondents :- Sri K.P. Singh

O R D E R

By this O.A under section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for direction to respondents to give pension to the applicant after death of his mother on 19.05.2000.

2. The facts giving rise to this O.A are that father of the applicant Late Ganesh Vishwakarma was serving as Telecommunication Machenic, Kashganj. He died in harness and family pension was paid under order dated 12.09.1983 to the mother of the applicant Smt. *Sangita* who also died on 19.05.2000. After death of his mother, the pension has not been paid to the applicant aggrieved by which the applicant represented before the authorities. His claim

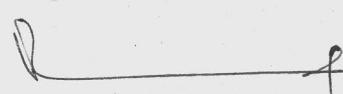
*Corrected v/s
order dt
26/2/2003*

was rejected by order date 31.08.2001 (annexure- 3) on the ground that the applicant has attained the age of 22 years nine months on 19.05.2000 i.e. the date of his mother's death and he is not entitled for family pension.

3. The learned counsel for the applicant has placed before the Tribunal the order of D.R.M (Karmik) wherein it has been stated that initially the Railway Board by its order date 02.01.1964 fixed 18 years in case of sons and 21 years in case of unmarried daughters for entitlement of family pension. This age was enhanced by the Railway Board vide order dated 11.05.1978 and in case of sons the maximum age raised to 21 years and in case of unmarried daughters it was raised to 24 years. Subsequently, the Railway Board by its order dated 28.09.1987 fixed 25 years age for both sons and daughters up to which ~~date~~ ^{age} they can get the family pension. Thus from the Railway Board's letter dated 28.09.1987, the applicant is entitled to receive the family pension up to age of 25 years. The claim of the applicant has not been considered in the light of Railway Board's order dated 28.09.1987. In the circumstances, it requires reconsideration by the railway authorities.

4. The OA is accordingly disposed of finally with direction to Divisional Railway Manager (Karmik), Izzatnagar (respondent No. 2) to reconsider the claim of the applicant in the light of observation made in this order and pass a fresh order within two months from the date of communication of this order.

5. There will be no order as to costs.


Vice-Chairman.

/Anand/