

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**ALLAHABAD BENCH**  
**ALLAHABAD**

Dated: This the 14<sup>TH</sup> day of SEPTEMBER 2005.

Original Application No. 1018 of 2002.

**Hon'ble Mr. K.B.S. Rajan, Member (J)**

Harikesh, S/o Late Samjahwan Ram,  
R/o Vill & Post Lapri,  
Distt: Jaunpur.

.....Applicant

By Adv: Sri S. Ram

**V E R A U S**

1. Union of India though chief Post Master General, U.P. Circle, LUCKNOW.
2. Post Master, Head Post Office, JAUNPUR.
3. Up Post Master, Khetasarai, JAUNPUR.
4. Divisional Railway Manager, Northern Railway, LUCKNOW.

.....Respondents

By Adv: Sri S. Srivastava

**O R D E R**

By K.B.S. Rajan, JM

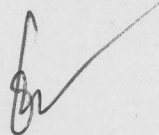
The applicant is aggrieved inasmuch as, consequent to the revision of the pension effective from 1.1.1996. While the extent of family pension was enhanced, less amount than the entitlement was being credited to the Savings Bank of the Family Pensioner. According to the calculation of the



applicant as contained in para 11 of the rejoinder affidavit, the actual arrears due to the applicant's mother worked out to Rs. 19776/- whereas the department has credited only to the tune of Rs. 11418/-, thus leaving a balance of Rs. 8358/- to be paid to the applicant. In addition, a sum of Rs. 4400/- being medical allowance has also been claimed by the applicant's mother during her life time.

2. The respondents have contested the OA stating that in the wake of the revision of the pension/family pension, difference in family pension was worked out which came to Rs. 11418/- only and the same was credited into the S/B account of applicant's mother. As regards medical assistance it was contended that the order of payment of medical allowance to the Railway pensioner was received at Jaunpur Head Office vide letter dated 25.5.2000, that too after the death of Smt. Lakhi Devi on 10.9.1999 without filling option form as required. Therefore, the medical allowance @ Rs. 100/- w.e.f. 1.1.1996 to 10.9.1999 as claimed by the applicant is not admissible to her.

3. Arguments by the learned counsel for the applicant and the document perused. The applicant has annexed to the rejoinder affidavit the relevant extract from the pass book which reflects a sum of



Rs. 985/- as amount received by her on 1.1.1996. Even the S/B ledger card maintained by the Post Office confirms the credit of Rs. 985/- only and a perusal of S/B ledger card and the pass book confirms that the statement given by the applicant in para 11 of the rejoinder affidavit against column 'actual credit/drawn' in pass book is correct. As such the calculation made by the applicant in regard to the actual credit/drawn is not based on any records. Without any hesitation it can be confirmed that the actual arrears due to the applicant's mother worked out as Rs. 19776 only and not Rs. 11418/-. Consequently the applicant is entitled to difference between these two mounts i.e. Rs. 8358/-.

4. As regard the medical allowance the same is admissible without insisting production of any evidence of medical expenses but based only on statement that no medical facility was available from the Railway hospital. The respondents themselves have clearly admitted that necessary sanction of payment of medical allowances Rs. 100/- from 1.1.1996 to 10.9.1999 was received at Jaunpur Head Office vide letter dated 25.5.2000. As such the applicant or his mother cannot be blamed for non filing of any option form. Had the department sanctioned this amount when the applicant's mother was alive needless to mention that such form could

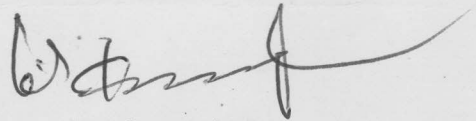




have been duly filled up and given by her. This kind of filing is more in the nature of formality than of one which alone is base for her entitlement to the medical allowance. This technical requirement of filing is insignificant under the facts and circumstances and deserves to be waived. Since, once the sanction has also been accorded, the applicant became to be entitled for the same. As such it is held that apart from the difference of arrears of family pension this meager amount of Rs. 100/- per month from 1.1.1996 to 10.9.1999 amounts to Rs. 4400/- is also a part of the entitlement of the applicant.

5. In view of the above the OA succeeds. The respondents are directed to make the payment of Rs. 8358/- + Rs. 4400/- (Totaling Rs. 12758/-) to the applicant alongwith interest @ 6% pa w.e.f. September 2002 (the month on which this OA is filed). The entire amount including interest shall be paid to the applicant within a period of four months from the date of communication of this order.

6. Under the above circumstances there shall be no order as to costs.



Member (J)

/pc/