

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 11th day of November, 2003.

QUORUM : HON. MRS. MEERA CHHIBBER, J.M.

O.A. No. 1356 of 2003.

Smt. Anjana Dixit wife of Late Hari Shanker Dixit, Ex-Clerk
in the office of Divisional Engineer, Tundla, North Central
Railway R/O 61/39-F, Rasulpur, Sarai Khwaja, Agra Cantt .,
Agra.....
.....Applicant.

Counsel for the applicant : Sri B.L. Kulendra.

Versus

1. Union of India through General Manager, N.C. Railway,
Allahabad.

2. D.R.M.(P), N.C. Railway, Allahabad.

.....
.....Respondents.

Counsel for respondents : Sri A.K. Gaur.

ORDER (ORAL)

BY HON. MRS. MEERA CHHIBBER, J.M.

By this O.A., applicant has claimed the following
reliefs :-

- "i) That this Hon'ble Tribunal may graciously be pleased to issue orders or direction in the nature of mandamus commanding the respondents No.2 to pay the settlement dues Rs.53195/- of Late Hari Shanker Dixit to his widow wife the (Applicant) without any further delay;
- ii) issue order or direction to the Respondent No.2 for payment of family pension w.e.f. 1.11.1989;
- iii) issue order or direction to make payment of interest @ 18% upon the whole amount due since delayed by Railway administration."

2. It is submitted by the applicant that she is second wife of Late Hari Shanker Dixit, Ex-Clerk in the office of Divisional Engineer, N.C. Railway, Tundla. It is further submitted by the applicant that after first wife of deceased died, he married the applicant on 7.6.1984 which is evident from the certificate issued by the District Marriage Officer



annexed with the petition at page 14. He expired on 27.10.89. Therefore, she was entitled for compassionate appointment but second son of deceased Devendra Kumar Dixit compelled the applicant to give the appointment to him, therefore, she gave her consent for giving appointment to Sri D.K. Dixit on compassionate ground. On the basis of her consent, D.K. Dixit was given compassionate appointment as Ticket Collector at Allahabad Division. However, after getting appointment Sri D.K. Dixit and other members of the family kicked the applicant from the house snatching all her property. She then applied to the DRM, Railways for payment of husband's settlement dues and family pension but till date no reply has been given. She even filed an affidavit to the DRM on 24.2.94 with the representation dated 28.2.94 (Annexures A-2 and A-3) but unfortunately Sri D.K. Dixit also applied for settlement dues. The DRM, Allahabad replied to Sri D.K. Dixit vide his letter dated 2.6.2000 with copy to the applicant stating therein that Smt. Anjana Dixit widow of H.S. Dixit has also claimed settlement dues but the settlement dues amounting to Rs.53195/- shall be paid on submission of succession certificate (Annexure A-4).

3. Grievance of the applicant in this case is that even though appointment was given to Sri D.K. Dixit but till date no such reply has been given to the applicant. Being aggrieved applicant has submitted claim for family pension vide representation dated 6.10.2002 addressed to the Hon'ble Railway Minister with copy to DRM, Allahabad and even a registered notice was given on 17.5.2003 followed by the reminder dated 13.6.2003 but till date she has not been given any reply by the authorities concerned. Counsel for the applicant has submitted that as per Rule 18(3) and (7) of Railway Service (Pension) Rules, 1993 family pension and DCRG shall be paid in order of preference to the family of the deceased railway employee, and in order of preference,



the applicant, who is the wife of the deceased employee, stands first as a legal successor of the employee. Therefore, she should have been given DCRG and atleast provisional pension under Rule 96 of Railway Service (Pension) Rules, 1993. Finding no other remedy, applicant had to file the present O.A.

4. Counsel for the respondents was seeking time to file reply but since applicant has stated categorically that she has not been given any reply so far by the respondents, I do not think it necessary to call for counter at this stage and feel that this case can be disposed of at the admission stage itself by giving direction to respondents to decide the representation of the applicant in accordance with rules and instructions on the subject and specially by dealing with rule 96 ^{18(3) and (7) B} of Railway Service (Pension) Rules, 1993. It goes without saying that the order to be passed shall be a speaking order. The same shall be passed within three months from the date of receipt of a copy of this order.

5. With the above direction, this application is disposed of with no order as to costs.



J.M.

Asthana/