

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 28TH DAY OF JULY, 2004

Original Application No.1464 of 2003

CORAM:

HON.MR.JUSTICE S.R.SINGH,V.C.

Smt.Budhiya Devi, wife of  
Late Gopal Krishna Yadav,  
R/o 131,Old Katra, Allahabad.

.. Applicant

(By Adv: Shri Amar Singh)

Versus

1. Union of India through  
General Manager, North  
Central Railway, Allahabad.
2. Divisional Railway manager,  
Central Railway,  
Allahabad.
3. Senior Divisional Personnel  
Officer,North Central Railway,  
Allahabad.
4. Senior Divisional Accounts Officer,  
North central Railway,  
Allahabad.

.. Respondents

(By Adv: ShriPrashant Mathur)

O R D E R(Oral)

JUSTICE S.R.SINGH,V.C.

Heard counsel for the parties and perused the pleadings on record.

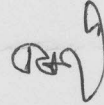
The applicant's husband Gopal Krishna Yadav was granted superannuation pension, ~~was granted~~ according to the averments made in paragraph 7 of the counter affidavit, ~~vide~~ revised P.P.O No.0197030521 dated 5/99 was issued for disbursement of revised pension and difference of commuted value of pension after deduction of additional commuted portion of pension from the date of his retirement . A perusal of the order would indicate that a sum of Rs 97,278/- was sanctioned towards

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difference of commuted value of pension which the Punjab National Bank, Civil Lines, Allahabad Uttar Pradesh was requested to pay at its end. Arrears of pension was also required to be calculated and paid after preparing a due drawn statement. The grievance of the applicant is that difference of commuted value of pension amounting to Rs 97,278/- sanctioned vide order issued in May 1999(Annexure 3) has not been paid to the applicant nor the family pension revised in accordance with law.

In the counter affidavit filed on behalf of the respondents the only reason given for non payment of the difference of commuted value of pension is that the applicant's husband died in the month of April 1999 i.e. before issuance of the revised PPO dated 5/99. The reason given in the counter affidavit is far from satisfactory. If for any reason the applicant was not entitled to the difference of the commuted value of pension <sup>vide 2</sup> ~~in~~ the aforestated PPO then the respondents ought to have passed a fresh order in accordance with law. The manner in which the respondents <sup>have handled 2</sup> ~~handling~~ the case of the applicant in the instant case cannot be appreciated. The applicant <sup>who 2</sup> happens to be widow preferred a representation to the Divisional Railway Manager, Northern Railway, Allahabad for rederessal of her grievance. The representation appears <sup>to 2</sup> ~~would~~ be addressed to a wrong authority inasmuch as it ought to have been addressed to Divisional Railway Manager, North Central Railway, Allahabad. However, having regard to the facts and circumstances of the case I am of the view that it would meet the ends of justice if the original application is disposed of with a direction to the applicant to file a fresh representation to the

Divisional Railway Manager, North Central Railway for redressal of her grievance within a period of one month and the Divisional Railway Manager, North Central Railway is directed to consider and dispose of the representation by means of a speaking order to be passed and communicated to the applicant within a period of three months from the date of receipt of a copy of this order. It is ordered accordingly. It is, however, made clear that whatever amount is found due to the applicant will be paid to her with interest @ 12% per annum. No order as to costs.



VICE CHAIRMAN

Dated: 28.7.04

Uv/