

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

ALLAHABAD this the 12th day of **August, 2008.**

HON'BLE MR. A. K. GAUR, MEMBER- J

ORIGINAL APPLICATION NO.263 OF 2006

Govind Prasad Bhatnagar
S/o Late Sri M.P. Bhatnagar,
R/o House No.770-A/580,
New Mumfordgang,
Allahabad.

.....Applicant.

V E R S U S

1. Union of India through Secretary, Ministry of Finance, New Delhi.
2. Accountant General (Uttar Pradesh) (Lekha & Hakdari), Office of Accountant General, U.P. Allahabad, 20, Sarojini Naidu Marg, Allahabad..

.....Respondents

Present for the Applicant: Sri R.C. Srivastava
Present for the Respondents : -

ORDER

Although, the case is highly time barred, but learned counsel for the applicant has placed reliance on the decision rendered by Hon'ble Supreme Court reported in 2003 SCC (L&S) 93 in the case of S.K. Mastan Bee Vs. General Manager, South Central Railway and another. Learned counsel for the applicant submitted that Hon'ble Supreme Court has granted benefit of pension after a lapse of more than 20 years. The denial of pension to her is in violation of Article 21 of Constitution of India.

2. The applicant has filed this application against the order of rejection for grant of family pension. Learned counsel for the applicant submitted that his grievance might be redressed in case a direction is given to the competent authority to consider and decide the pending

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appeal dated 17.10.2005, taking also into account the decision of Hon'ble Supreme Court reported in 2003 SCC (L&S) 93 in the case of S.K. Mastan Bee Vs. General Manager, South Central Railway and others.

3. Having considered the arguments of the learned counsel for the applicant, I am of the considered view that the grievance of the applicant might be redressed in case a direction is given to the competent authority to consider and decide the pending appeal dated 17.10.2005 (Annexure-1) of the applicant by a reasoned and speaking order within a stipulated period as provided by this Tribunal.

4. Accordingly, I hereby direct the Accountant General (Utter Pradesh) i.e. respondent No.2 to consider and decide the pending appeal dated 17.10.2005 of the applicant, taking into account the Principles of Law as laid down in the judgment rendered by Hon'ble Supreme Court in the case of S.K. Mastan Bee (supra), within a period of three months from the date of receipt of this order. Learned counsel for the applicant is directed to send a copy of the judgment rendered by Hon'ble Supreme Court in the aforesaid case alongwith a copy of this order. This may be done within a week from the receipt of the copy of the order. While deciding the representation of the applicant the grounds taken in the O.A., shall also be taken into account as a part of his representation.

5. Be it noted that I have not passed any order on merits of the case.

6. With the aforesaid directions, the O.A is disposed of finally with no order as to costs.

Sol.
Member J-