

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Allahabad this the 9<sup>th</sup> day of March, 2010.

PRESENT:

HON'BLE MR.JUSTICE A.K.YOG, MEMBER-J  
HON'BLE MRS.MANJULIKA GAUTAM, MEMBER-A

Original Application No. 403 of 2007  
U/s 19 of Administrative Tribunals Act 1985

Phool Kali (Smt),  
W/o Late Shripal, C/o 23/27/131-A,  
Uttari Allahapur, Sheo Nagar Colony,  
Allahabad. ...Applicant.

By Advocate : Shri K.K.Mishra)

Versus

1. Union of India, through General Manager,  
North Railway, Baroda House, New Delhi.
2. Divisional Railway Manager,  
North Railway, Hazratganj, Lucknow.
3. Senior Divisional Personnel Officer,  
North Railway, Hazratganj, Lucknow.
4. Assistant Divisional Engineer,  
North Railway, Civil Lines, Raibareli.
5. Section Engineer (P.Way),  
North Railway, Civil Lines, Raibareli. ...Respondents.

By Advocate : Shri. D.S.Shukla, Standing Counsel

ORDERHON'BLE MR.JUSTICE A.K.YOG, MEMBER-J

Heard Shri K.K. Mishra, learned counsel for the applicant  
and Shri D.S.Shukla, learned counsel appearing for the  
respondent. *WY*

2. M.A.85/2010 - filed on behalf of the applicant praying for condoning delay in filing the O.A.

3. This application is filed in view of the preliminary objection raised on behalf of the respondents (objection filed in the registry on 21.8.2008). The order sheet shows that vide order 30.9.2008, the Single Member Bench has directed to file R.A. in this O.A. and on 25.11.2008 the Single Member Bench has adjourned to 27.1.2009 for final disposal. The order sheet prior to this order sheet shows that the parties have exchanged Counter Affidavit and R.A. and all the pleadings. On 27.1.2009 the Single Member Bench, one of us (Justice A.K.Yog), passed the order admitting the O.A. Lastly on 26.3.2009 the Single Member Bench passed the order directing for final hearing on 12.5.2009 and again thereafter on 8.9.2009 Single Member Bench directed the learned counsel for the respondents to place the record on the next date.

4. In view of the above, coupled with the circumstances that the applicant appears to be an illiterate lady and that family pension gives rise to a recurring cause of action, the ends of justice require that the O.A. should be heard on merit.

*Wm'*

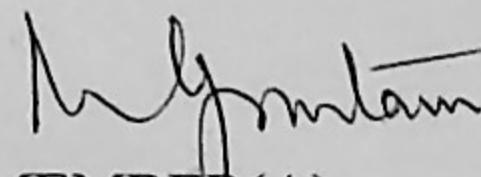
5. We have heard the parties' counsel and perused the pleadings. We are of the view that, in order to decide the claim of the applicant regarding family pension the required facts and all the documents are available with the respondent authorities only. We also find that there is no order rejecting the claim of the applicant for family pension.

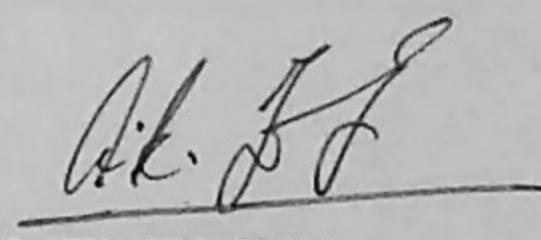
6. Husband of the applicant died in the year 1987, after he has served ever since 1979. The applicant in this O.A. vide para 4(5) pleaded that, she is totally illiterate and that she had three minor children when her husband died. It is further contended that she could not pursue her case for family pension because of lack of knowledge of departmental proceedings and legal procedure and due to critical financial condition. Coupled with the circumstances, no one came to help her at the relevant time. According to the applicant, her husband held a pensionable job, she was required to submit some affidavits/documents.

7. In view of the above, we direct the applicant to submit a comprehensive para-wise representation to the 2<sup>nd</sup> respondent, Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow, alongwith certified copy of this order as well as a copy of the O.A. (Comp. I & II) within six weeks from today and the said authority shall, (provided said representation is filed as

stipulated/contemplated above), decide the representation by passing a reasoned/speaking order in accordance with law within three months on receipt of the representation. Decision shall be communicated forthwith to the applicant.

9. O.A. stands disposed of accordingly.

  
MEMBER(A)

  
MEMBER(J)

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