

Reserved
(On 03.03.2014)

CENTRAL ADMINISTRATIVE TRIBUNAL AHMEDABAD BENCH
ALLAHABAD

Dated : This the 25th day of March 2014

Original Application No. 734 of 2008

Hon'ble Dr. Murtaza Ali, Member (J)

Jagrani, W/o Late Shri Sunder Lal, R/o Paltipur, Post Office
Shajadpur, District Kaushambi.

...Applicant

By Adv: Shri S.P. Sonkar

VERSUS

1. Union of India, through General Manager, North Central Railway, Allahabad.
2. Divisional Personnel Officer, North Central Railway, Allahabad.

...Respondents

By Adv : Ms. Zahida Zamin

ORDER

Through this OA, filed under Section 19 of the Administrative Tribunals Act, 1985 the applicant has sought the following reliefs:-

- (i) *Issue a direction in the nature of mandamus commanding the respondent authorities for deciding the applicant's representation regarding family pension of the applicant w.e.f. 11.07.2003.*
- (ii) *Issue any suitable order or direction which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.*
- (iii) *And award the cost of the applicant.*

2. The brief facts of the case are that the husband of applicant Shri Sunder Lal was retired on 30.06.1993 from the post of Gang -

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Man and died on 11.07.2003. It has been stated that she has made several representations for granting her family pension but the family pension has not yet been sanctioned by the respondents.

3. In the counter affidavit filed on behalf of respondents, it has been admitted that Sunder Lal who was working on the post of Gang - Man retired on 30.06.1993 and subsequently died on 11.07.2003. It has further been stated that one Smt. Dev Patti claimed family pension in the year 2004 but her claim was rejected on the ground that Late Sunder Lal had not made any nomination for her. It has been stated that after 5 years of death of Late Sunder Lal, the present applicant has filed this OA claiming herself as widow of Late Sunder Lal. Her name was also not declared by Late Sunder Lal, at the time of his retirement in his settlement form dated 04.06.1993 (Annexure SCR-1). Accordingly the applicant was advised vide letter dated 22.04.2004 (Annexure SCR-2) and letter dated 14.09.2004 (Annexure SCR-3) to file a civil suit for succeeding as wife of the deceased employee Sunder Lal for obtaining family pension. It is also stated that since two ladies are claiming themselves to be the widow of Late Sunder Lal, it is not possible to sanction family pension without settlement of this dispute by the competent court.

4. In the rejoinder affidavit, the applicant has submitted that the earlier claimant Smt. Dev Patti was not the legally wedded wife of

Late Sunder Lal and the name of applicant is mentioned as a wife of Sunder Lal in the Railway Medical Attendance Identity Card (Annexure - 1 to RA) issued in the year 1985 by the concerned authority. It has also been submitted that the applicant immediately after the death of her husband approached the respondent authority for family pension but they did not consider the matter and rejected her claim. It has been denied that the respondents have ever advised her to file civil suit for declaration but they advised other woman Dev Patti for bringing the declaration from the civil court. It has further been stated that the applicant is legally wedded wife of Late Sunder Lal and she is entitled to get the family pension in respect of her husband Late Sunder Lal.

5. Heard Shri S.P. Sonkar for the applicant and Ms Zahida Zamin for the respondents and perused the record.

6. From the perusal of Annexure SCR - 2 and Annexure SCR-3 it is noticed that these letters were addressed to Smt. Dev Patti and not the applicant as stated in para 5 and para 6 of Supplementary Counter reply filed on behalf of respondents no. 1 and 2.

7. In support of her contention as the widow of Late Sunder Lal she has filed Parivaar register (Annexure No. 3) which has been issued on 30.07.2003 by the Competent Authority in which the name of husband of applicant Jagrani is mentioned as Sunder Lal. The names of

Ram Naresh and Raj Kumari are also mentioned as their children. The applicant has also filed copy of Voter ID Card (Annexure No. 3) in which the name of husband of applicant Jagrani is mentioned as Sunder Lal. Besides this, the respondent has filed copy of statement of family members (Annexure SCR-1) which shows that the name of applicant Jagrani was originally mentioned in the statement as the wife of the applicant but later on it was crossed by someone, but not Late Sunder Lal. The applicant has also filed a copy of Khatauni (Annexure no. 1 to Supplementary Rejoinder Affidavit) in which her name is mentioned as the widow of Late Sunder Lal.

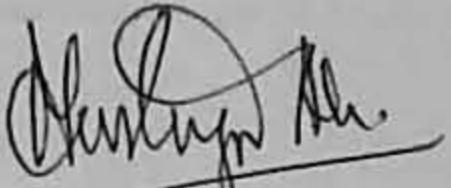
8. It appears that the respondents have never considered the above documents which support the contention of applicant. It is, therefore desirable that an inquiry be conducted by the respondents to verify the documents produced by the applicant and more particularly the Parivaar Register in which the name of Ram Naresh and Raj Kumari have been mentioned as the son and daughter of Late Sunder Lal and the applicant.

9. Accordingly the O.A. is allowed and the respondents are directed to consider for grant of family pension to the applicant after verifying the documents produced by the applicant in this O.A. The applicant is also directed to submit a representation before respondent no. 2 enclosing all the relevant documents for their

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consideration. This exercise must be completed within 4 months from the date of receipt of certified copy of this order.

10. There is no order is to costs.


(Member-J)

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