

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 477 of 1987
XXXXXX

DATE OF DECISION 01/01/1988

Gangaben Samuel Pramabhai Petitioner

Mr. M. D. Rana Advocate for the Petitioner(s)

Versus

Union of India Respondent

Mr. N. S. Shevde Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. P. M. Joshi : Judicial Member

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Y*
2. To be referred to the Reporter or not ? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal. *No*

(3)

Gangaben Sumuel Pramabhai
Wife of Samuel Premabhai
Girdhar Master's Compound
Opp : Sikh Gurudrawa
Saraspur, Ahmedabad
(Adv : M.B. Rana)
Versus

..... Petitioner

Union of India & Ors,
Notice to be served to the
General Manager, Churchgate,
Bombay.

Divisional Railway Manager,
Baroda Division,
Baroda.

Senior Divisional Accountant,
Accounts Office, Western Rly.
Baroda.

(Adv. N.S. Shevde)

Coram : Hon'ble Mr. P.M. Joshi : Judicial Member.

O R D E R
(Dictated in Open Court)

1/1/1988

Per : Hon'ble Mr. P.M. Joshi : Judicial Member.

In this application, filed on 1-10-1987 under Section 19 of the Administrative Tribunals Act, 1985 the petitioner Gangaben, wife of Samuel Premabhai of Ahmedabad, has sought redressal of her grievance against the denial of the benefits of family pension. According to the case set up by the petitioner, her husband, being a Railway servant on superannuation, was granted pension, under P.P.O. No. BRC/C/789/23/7/1277 dated 22/2/1984 and in terms of the said P.P.O. she is entitled to family pension at the rate of Rs.328/- which is payable from the next date of pensioner's death for 7 years or upto 4/2/1991 whichever is earlier and thereafter it is payable at the rate of Rs.193/-p.m. till her death or remarriage. It is further, submitted that her husband has left the house on account of his insanity since October 10, 1985 and on report to the police his whereabouts are still not known or traced even though great efforts are made by police authorities. She has produced the certificate of the police showing that such reports were made to the police and the authorities have not been able to

trace him. It is alleged that, she made representations and requested the Railway authorities to grant her family pension in terms of the instructions contained in the Railway Board's letter dated 19/9/1986 (found at Annexure 'A4') the respondents have not granted any relief and hence she has been constrained to move this Tribunal. She has therefore, prayed that the respondent-Railway Administration be directed to pay family pension to her regularly in terms of the family pension scheme referred to above.

2. The respondents have filed their written statement on 22/12/1987. According to them, the petitioner is required to comply with the formalities in terms of the Railway Board's letter dated 19/9/1986, by furnishing the records showing that the report in this regard has been lodged by the family with the concerned police station and/or the police has not been able to trace despite efforts and the execution of the Indemnity Bond in the prescribed form No.G-247/F.

3. We have heard Mr M D Rana and Mr N S Shevde learned counsel for the petitioner and the respondent respectively. Mr Rana submits that the necessary documents will be furnished by the petitioner within three weeks and suitable directions may therefore be passed to enable the petitioner to draw family pension in terms of the Scheme dated 19/9/1986. Mr Shevde has also no objection if such directions are issued in this regard. It is borne-out from the record that the petitioner's husband who was a pensioner had opened an account with Bank of Baroda, Saraspur Branch, Ahmedabad (S.B. A/c. No. 3988) in order to receive the pension regularly. The pensioner seems to have received his pension dues till 1/9/1987. According to the respondents-Railway Administration, the concerned authorities have paid the pension amounts as per the instructions contained in the pension order.

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4. It is the case of the petitioner that due to insanity or otherwise, her husband has left the home on or about October 10, 1985 and the report has been lodged with the police authorities and even after several efforts, he has not been traced and his whereabouts are not known and under the circumstances she is entitled to the family pension in terms of the benefits extended under the Scheme laid down under the Railway Board's letter dated 19/9/1986. Previously, such beneficiary-like the petitioner, had to wait for seven years but in order to ameliorate the plight of such persons a long period of seven years has been reduced to one year. Now, when the whereabouts of the husband of the petitioner is not known since October 10, 1985, she is entitled to claim family pension. The respondents have also no objection in granting such benefits. But, according to them, the petitioner has to comply with the requirements laid down in the Scheme dated 19/9/1986. On perusal of the materials placed on record, the petitioner has been successful in establishing to her claim to the benefits under the said Scheme. It is quite possible that the petitioner might not have produced the original certificate issued by the police authorities, when ~~she~~ initially made ^{now} representations to the authorities. However, she may do so ^{and} also execute the indemnity bond as required for the purpose and on being satisfied with them, the respondents are required to sanction the benefits of the family pension to the petitioner.

5. In this view of the matter, the application is allowed. The petitioner is directed to furnish the required certificates issued by the police authorities and execute ^{an} indemnity bond as required under the Railway Board's letter dated 19/9/1986, within three weeks. On her furnishing the necessary record and

executing the bond, the respondents are directed to sanction benefits of the family pension to the petitioner by passing necessary order within three months from the date of this order.

6. With this direction, the application stands disposed of with no order as to costs.


(P M JOSHI)
JUDICIAL MEMBER