

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
 AHMEDABAD BENCH
 XXXXXXXXX

M. A. No. 429/89 in
 O.A. Stamp No. 206/89

DATE OF DECISION 17.10.89.

Smt. Amarba Togaji Petitioner

Mr. R.A.Vyas Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Mr. R.M.Vin Advocate for the Respondent(s)

CORAM :

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

The Hon'ble Mr. M. M. Singh .. Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

Amarba Togaji
Widow of Late Togaji Nanbha
Retd. Head Ticket Collector
Jetalsar Jn. (Dist. Rajkot)

.. Applicant.

V/s

Union of India - through

1. General Manager,
Head Quarter Office of W.Rly,
Churchgate- Bombay- 20

2. Divisional Railway Manager,
Divisional Office of W.Rly,
Bhavnagar Para

.. Respondents.

CORAM : HON'BLE MR. P. M. JOSHI

.. JUDICIAL MEMBER.

HON'BLE MR. M. M. SINGH

.. ADMINISTRATIVE MEMBER.

M.A. 429/89

in

O.A. Stamp No. 206/89

: O R A L O R D E R :

Dt. 17.10.89

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

.. Judicial Member.

Heard Mr. R.A.Vyas and Mr. N.S.Shevde for Mr. R.M.Vin the learned counsel for the petitioner and respondents respectively.

2. The petitioner Smt. Amarba Togaji widow of late Shri.Togaji Nanbha at Jetalsar, has filed the application (O.A. Stamp No. 206/89) on 10.5.89 under Section 19 of the Administrative Tribunals Act, 1985 for redressal of her grievance in respect of non-payment of pensionary benefits, admissible to her. Alongwith the institution of the application, she has filed M.A. 429/89 seeking condonation of

delay, if any in filing the application.

3. It transpires from letter dt. 13.1.88 (A-6), the petitioner had moved authorities vide her application dt. 12.10.87, which has been forwarded in original to D.R.M. for necessary action. The petitioner happens to be the widow of the Railway employee working as T.C. (Class III employee), who retired on 29.10.55 and died on 16.10.79. According to Mr. Vyas the petitioner is entitled to the pensionary benefits as laid down in the Railway Board's letter dt. 26.7.85 (A-1).

4. Now, as per the para 8 of the said letter the head of the office department has to take a decision in respect of such application. Presumably, no orders seem to have been passed in respect of the representations made by the petitioner. In view of the fact that the petitioner is of advanced age (85 years old), we admit this application.

5. Moreover, while admitting the application, we disposed of the same by directing the Divisional Railway Manager, BVP (respondent No.2) to decide the petitioner's representations (dated 12.10.87) within 3 months from the date of this order by passing a speaking order. While deciding the petitioner's representation, the respondent No.2 is also required to consider the claim made by the applicant in this application by treating the same as an additional representation and after having adverted to the relevant rules and instructions governing the issue he shall pass the speaking order and inform the petitioner accordingly. In case, the petitioner is left with any grievance, she

(4)

will be at liberty to file/fresh application.

6. With the aforesaid direction the application stands disposed of with no order as to costs. A copy of this order be sent to the D.R.M.BVP. alongwith one set of the application filed by the petitioner and acknowledgement thereof be retained on record.

M. M. Singh

(M. M. Singh)
Administrative Member.


(P. M. Joshi)
Judicial Member.

R.