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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO.693 OF 1996

Cuttack this the 09th day of April, 2002

Kumari Sonali Das.....Applicant(s)

Versus

Union of India & Others.....Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? Yes.
2. Whether it be circulate to all the Benches of the Central Administrative Tribunal or not ? Yes.

*Manoranjan Mohanty*

(MANORANJAN MOHANTY)

MEMBER(JUDICIAL) 09/04/2002

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CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO.693 OF 1996

Cuttack this the 09th day of April, 2002

C O R A M

THE HON'BLE SHRI MANORANJAN MOHANTY, MEMBER (JUDICIAL)

Kumari Sonali Das,  
aged about 27 years,  
D/o.Laxmidhar Das of village  
& P.O. Chanahata,  
P.S.Balipatna,  
Dist: Khurda,

..... Applicant

By the Advocates

..... M/s. P.K. Rath  
Mohak Dash  
P.K. Jena

-Versus-

1. Union of India represented by General Manager, South Eastern Railway, Garden Reach, Calcutta-43.
2. Divisional Railway Manager, South Eastern Railway, Kharagpur Division, At/Po - Kharagpur (W.B)
3. Deputy Controller of Stores, South Eastern Railway General Store, Kharagpur (W.B).
4. Financial Adviser and Chief Accounts Officer (Pension) South Eastern Railway, Garden Reach, Calcutta-43

..... Respondents

By the Advocates

.....Mr.D.N. Mishra,

O R D E R

MR.MANORANJAN MOHANTYHY, MEMBER (JUDICIAL): None appears for the applicant. Heard Shri D.N.Mishra, the learned Standing Counsel for the Railways and perused the records. The applicant, an unmarried dependant daughter of a retired Railway employee was allowed to get family pension. Her family pension having been stopped (for she attained the age of 25 years) she has filed the present Original Application, praying for grant of family pension benefits till she attains the age of 30 years.

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In the absence of anybody representing the applicant and while perusing the ordersheet, my attention has been drawn to Order No.2 dated 8.10.1996, which is extracted, hereunder in extenso.

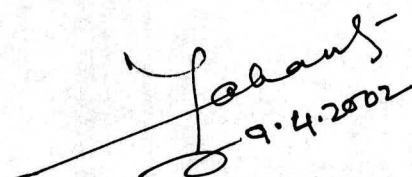
"Heard Shri P.K. Rath, Counsel for the Applicant and perused the averments made in the petition. Shri Rath has taken me through Annexure-4 dated 10.08.1996, issued by the Deputy Controller of stores, S.E. Railway, by which the Respondents relied on Railway Board's Circular dated 28.02.1989. He stated that the applicant's age is uniformly 25 years for grant of family pension to both sons and un-married daughters. He also brought to my notice a decision of the Central Administrative Tribunal, Hyderabad Bench in the case of Kum.G. Swarnalata Vs. Union of India and others reported in 312 Swamy's C.L. Digest 1994. The applicant in that case was paid family pension at the age of 21 years and this was raised to 24-30 years by subsequent orders. The C.A.T., Hyderabad Bench referred to the general order issued by the Railway Board under letter No.FP-III/85-TN/190 dated 28.02.1989/3389 wherein it has been made clear that unmarried daughters who had not crossed the age of 24 years as on 9.7.1986 would continue to get family

pension upto the age of 30 years. The date of birth of the applicant in this case is 05.05.1970 as recorded in her H.S.C. Examination Certificate. Thus as on 09.07.1986, she has not crossed 24 years. It is, therefore, claimed by the learned counsel that she should continue to get family pension upto the age of 30 years."

When the Railway Board's letter No.FP-III/85-TN/190 dated 28.2.1989/3389 makes it clear that unmarried daughters who have not crossed the age of 25 years as on 9.7.1986 would continue to get family pension upto the age of 30th year, then the applicant, whose date of birth is 5.5.1970, as recorded in her High School Certificate and who had crossed the age of 24 years as on 9.7.1986, should get the family pension benefit uptill she attains the age of 30th year.

In this view of the matter, I direct the Respondents to examine the matter closely and give necessary consequential benefits to the applicant, within three months hence.

With the aforesaid observation and direction, this Original Application is accordingly allowed, but without any order as to costs.

  
(M.R. MOHANTY)  
MEMBER (JUDICIAL)

B.K.SAHOO