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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO.504 OF 2000

Cuttack this the 3rd day of April, 2002

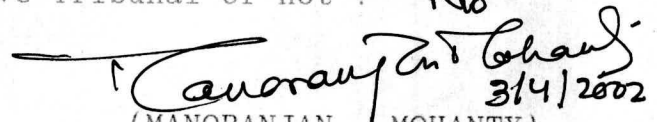
P.VerrayammaApplicant(s)

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 ? **No**


(MANORANJAN MOHANTY)
MEMBER (JUDICIAL)

7

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

7

ORIGINAL APPLICATION NO.504 OF 2000

Cuttack this the 3rd day of April, 2002

C O R A M

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

P.Verrayamma,
aged about 48 years,
W/o.Late Pilli Venkataswamy,
At:Talcher,
P.S.Colliery,
Dist: Anugul,

..... Applicant

By the Advocates

..... M/s. T.K. Mohanty
M.R. Mohanty

-Versus-

1. Union of India represented through its Secretary,
Ministry of Railway, Rail Bhawan, New Delhi-1
2. General Manager, South Eastern Railway, Garden
Reach, Calcutta/43, West Bengal
3. Divisional Railway Manager, South Eastern Railway,
Khurda Road, PO/PS: Jatani, Dist: Khurda, Orissa
4. Divisionl Personnel Officer, South Eastern
Railway, Khurda Road, PO/PS: Jatni, Dist: Khurda.
5. Divisional Accounts Officer, South Eastern
Railway, Khurda Road, PO/PS: Jatni, Dist: Khurda.

..... Respondents

By the Advocates

.....Mr.S.R.PATNAIK,
Addl., Standing Counsel
(Res.2, 3 & 4)

O R D E R

MR.MANORANJAN MOHANTYHY, MEMBER (JUDICIAL): Heard Shri T.K.
Mohanty, the learned counsel for the Applicant and
Shri S.R.Patnaik, learned Addl.Standing Counsel appearing on
behalf of Respondent Nos. 2, 3 & 4.

46

2.The brief facts of this case are that, applicants husband entered into the Railway service on 23.1.1965 and faced a premature retirement during 1990. He was consequently granted pension and in the Pension Payment Order, no family pension was apparently sanctioned. The husband of the applicant, because of sickness died untimely during 1994. No family pension having been paid to the applicant despite her repeated representations, this Original Application has been filed with the a prayer for direction to respondents to pay/grant family pension in favour of the applicant.

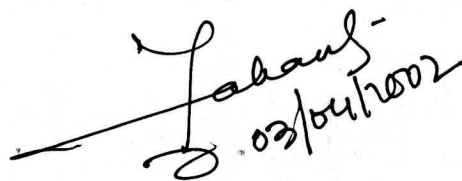
3.In the counter, it has been disclosed by the Respondents that in the Provident Fund nomination paper vide Annexure/R/1, the name of the applicant has been disclosed as P. Veerayamma in Form No.8, attached to Annexure-R/1(which has been marked as Annexure-R/2). In the Pension Form No.6 which has been filed as Annexure-R/3 ~~which was marked as~~ ~~XXXXXX/R/X~~, submitted by the husband of the applicant, the name of the applicant has also been described as P.Veerayamma. In the said document the name of the son of the applicant has also been described as P.Ramesh Rao. But, it is the case of the Respondents in their counter that one Smt.P.Yariama submitted an application to the Divisional Personnel Officer of S.E.Railway, Khurda Road, raising a grievance against her husband that her husband was not taking care of the members of the family. As it appears, the said representation under Annexure-R/4 was submitted during November, 1990, during the life time of her husband. In the

said representation, apart from other things, the applicant also disclosed the name of her eldest son, P.Ramesh Rao and had prayed for a compassionate appointment in his favour. On perusal of counter and the documents enclosed thereto, it appears that taking advantage of an inadvertent typographical error in the spelling of the name of the applicant in the representation under Annexure-R/4, the Office of the Divisional Personnel Officer, S.E.Railway, Khurda Road, presumed that there are two claimants in so far as family pension is concerned. It further appears there has been no action taken by the authorities of the Railway to enquire into the matter with a view to come to a definite conclusion. It is so unfortunate a case that no evolving standard excuse can be granted to the Office of the Divisional Personnel Officer, S.E.Railway, Khurda Road. Neither the pensions nor the family pensions are bounties to be paid at the grace of the authorities concerned. One earns pension and/or family pension during the period of employment and as a matter of right it should be paid to him/her being tendered/offered by the authorities. Here is a glaring instance as to how a pensioner and her family members are treated savagely. The Railway employee passed away since 1994; may be in a disturbing mental condition/sickness and there was no reason not to extend the family pension to the family/widow of the deceased retired railway employee. This is a case where really there is no reason to withhold the family pension since 1994. Even at the stage of filing of counter in this case the

Department have not applied its mind. The person, who submitted Annexure-R/4 having disclosed the name of the son as P.Ramesh Rao, nothing else remained to put the Respondents in confusion. It appears that confusion was really created just to deny the family pension to the present applicant.

4.While expressing great displeasure in the manner the Railway Authorities in the Office of Chief Personnel Officer, S.E.Railway, Khurda Road, behaved with the family of the deceased railway employee, I ^{the Respondents} hereby direct to provide family pension to the applicant as against Pension Payment Order bearing No.PEN\SE-KUR\91-B-382-PR-SE\758 of P.V.Swamy, within a period of 30 (thirty) days from the date of receipt of copy of this order. All arrears of family pension right from the year 1994 shall be paid to the applicant within a period of three months from the date of receipt of copy of this order. It is further directed that monthly family pension shall be released in favour of the applicant from the end of April, 2002 and the same shall continue to be paid from month to month, regularly.

5.With the above observations and direction, this Original Application is allowed. However, there shall be no order as to costs.


03/04/2002

(M.R. MOHANTY)
MEMBER (JUDICIAL)

B.K.SAHOO