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O.A. No. 329/08

ORDER DATED 19<sup>th</sup> May, 2008

Coram:

Hon'ble Shri Justice K. Thankappan, Member (J)

Heard Mr. S.B. Jena, Ld. Counsel for the applicant.

2. The applicant approached this Tribunal with a legitimate prayer to have a direction to the Respondents to take immediate steps to allow her the family pension on the PPO order issued to her deceased father Madhusudan Bhainasa Ex-PLF/Khalasi, IOW/JSH under Assistant Engineer, S.E. Railway Jharsuguda. After the death of the said employee who survived two daughters out of whom the eldest was allowed the family pension and was going on the same till she was married on 19<sup>th</sup> May, 1999. From that date onwards the applicant is entitled to family pension as she remains still unmarried and under the age of 25. The applicant already approached the authorities and the authorities already directed the applicant to furnish the necessary documents for the above purpose as per Annexure-A/7 dated 30.09.1999. Thereafter the applicant has submitted all the documents to which the authorities wanted under Annexure-A/7. However, no order has ever been passed. Hence the applicant approached this Tribunal. The applicant now prays that the Respondents may be directed to consider the application for family pension as early as possible and to allow the pension with interest for arrears.

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3. This Tribunal heard the counsel appearing for the applicant. Ld. Counsel for the applicant who submits that as the authorities are under the legal duty to consider the application for family pension this Tribunal is justified in issuing a direction to that effect. The Counsel also submits that the mother of the applicant was already died even prior to the death of her father hence the applicant alone is entitled for family pension. The applicant is also within the age and she still remains unmarried. As per the Rules followed by the Railways the applicant is entitled for pension. Though a notice was already issued neither the Respondents nor any Counsel appeared before this Tribunal. However, Mr. S.K. Ojha, Ld. Standing Counsel for the Railways was heard.

4. After going through the records and on the submissions made by the Counsel this Tribunal is of the view that the applicant is well justified in approaching this Tribunal to have a direction as prayed. If the authority is lethargic in doing his statutory duty casts on him it is the duty of this Tribunal to alert him to do his duty as per law.

5. In the above circumstances this Original Application is allowed by directing the Respondents No.2 & 3 to take the matter and consider all the documents already produced by the applicant during 2002 and pass appropriate orders within a reasonable time at any rate within 03 months from the date of receipt of the copy of this order. While allowing the application, if the applicant is found suitable the authority shall also consider on allowing the arrears with

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normal interest. However, this Tribunal is not fixing any rate of interest which is the discretion of the authority. In the above direction this O.A stands allowed. No order for cost.

Kappan

MEMBER (J)

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