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O.A. No.338/2011

ORDER DATED 27th DAY OF JUNE, 2011

K. Baral (@ Oram.....Applicant

Vrs.

Union of India & OthersRespondents

Coram:

HON'BLE MR. A.K. PATNAIK, MEMBER JUDL.

Heard Sri R.B. Mohapatra, Ld. Counsel for the applicant and Sri S. K. Ojha, Ld. Standing Counsel (on whom a copy of this O.A. has already been served) on behalf of the Respondents (Rlys.) and perused the materials placed on record.

2. This Original Application has been filed by the applicant seeking the following relief :-

" ...This Hon'ble Tribunal may be pleased to allow this Original Application with a direction to the Respondents for payment of the arrear family pension for the period from 04.10.1997 to 06.03.2009 with interest @ 18% per annum on the arrears sum till its payment from the date of nonpayment of family pension, in favour of the applicant within a stipulated period, in view of the ratio decided by the Hon'ble Apex Court in case of Dr. Uma Agrawala and in case of Dhruba Charan decided by the Hon'ble High Court of Orissa, Cuttack."

3. During the course of hearing Sri Ojha produced before the Court the Railway Services (Pension) Rules, 1993 in which as per Rule 75 it has been stated that the family of the deceased shall be entitled to family pension only in the following cases.

(i) In the case of a widow or widower, up to the date of death or remarriage, whichever is earlier,

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- (ii) In the case of a son, until he attains the age of twenty-five years; and
- (iii) In the case of an unmarried daughter, until she attains the age of twenty-five years or until she gets married whichever is earlier.

4. It seems that the applicant has ventilated his grievance by way of filing a representation on 20.05.2010 (Annexure-A/8) which has not yet been considered and disposed of by the appropriate authority. He has again served legal notice on 03.01.2011 (Annexure-A/9) which has^{en} also pending with them undisposed of. Having regard to the submissions made and as agreed to by the Ld. Counsel for the parties and without going into the merit of the case, I dispose of this O.A. by directing Respondent No.2 to consider the representation filed by the applicant (Annexure-A/8) and dispose of the same by passing an appropriate speaking order within a period of 45 days from the date of communication of this order under intimation to the applicant if it has not been disposed of by now.

5. With the above observation and direction, this O.A. is disposed of at the admission stage itself. No costs.

6. Send a copy of this order along with copy of the O.A. to Respondent No.2 for compliance and free copies of this order be made over to the Ld. Counsel for the parties.


MEMBER JUDL.