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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

Original Application No. 260/00143 of 2016
Cuttack, this the 18th day of March, 2016

**CORAM
HON'BLE SHRI A.K. PATNAIK, MEMBER (JUDL.)**

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Smt. Rella Varalaxmi,
aged about 56 years,
W/o late Rella Bhaskararao alias Balayya,
House hold duties,
Resident of Seetharampeta Street,
At/Po- Sompeta, Dist; Srikakulam,
Andhra Pradesh, Pin Code No. 532284.

...Applicant

(Advocates: M/s. B.P.Yadav, T.K.Choudhury)

VERSUS

Union of India Represented through its

1. General Manager,
East Coast Railway,
Chandrasekharpur,
Bhubaneswar, Orissa.
2. Divisional Accounts Officer,
East Coast Railway,
Khurda Road Division, PO- Jatni,
Dist- Khurda, Andhra Pradesh.
3. Permanent Way Inspector,
East Coast Railway, Sompeta,
Srikakulam District, Andhra Pradesh,
Pin Code No. 532290.

... Respondents

(Advocate: Mr. T.Rath)

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O R D E R (ORAL)

A.K. PATNAIK, MEMBER (JUDL.):

Heard Mr. T.K.Choudhury, Ld. Counsel for the Applicant, and Mr. T.Rath, Ld. Standing Counsel appearing for the Respondent-Railways, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

Dilip

2. From the synopsis and date chart, I find that the applicant's father, who was a railway servant, died in the year 1983 and after his death his wife (mother of the applicant) was receiving the pension/family pension. The applicant, in the instant O.A. was married to one Rella Balaya @ Bhaskara Rao during life time of her father (deceased railway employee) and after the death of the applicant's father there is no dispute that the mother of the applicant was receiving the family pension. While the matter stood thus, the applicant's husband also expired as evident from the death certificate annexed under Annexure-A/5 in which it has been stated that the applicant's husband died on 01.04.2006. The mother of the applicant, who was receiving family pension, also expired on 26.11.2007. After a long 5 years, the applicant preferred a representation on 01.11.2012 with certain documents before Divisional Accounts Officer, E.Co.Railway. Mr. Choudhury submitted that as the applicant became a widow as well as orphan, she could not collect documents and hence could not submit representation on time.

3. On the other hand, Mr. Rath, Ld. Standing Counsel, pointed out that the applicant has not taken any action from 26.11.2007 to 01.11.2012 more so being a married daughter as per Railway Rules she is not entitled for family pension. Mr. Rath further submitted that when the applicant got married during the life time of her father (deceased railway employee) and at no point of time the deceased railway employee had submitted any document stating therein that the applicant is a dependant on him as per rules she is not entitled to the benefits.

Mr. Rath, at this juncture, also pointed out that the Respondent Nos. 1 and 2 are not the appropriate authority to consider the said



representation of the applicant. On being pointed out that the representation was not preferred to any of the Respondents, Mr. Choudhury seeks liberty of this Tribunal to change the designation of the Respondent No.2 both in the Court copy as well as copy served on Mr. Rath in course of the day. Prayer is allowed.

4. After taking into consideration the submission made by the Ld. Counsels for both the sides, as I find that the applicant has made a representation on 01.11.2012 after a period of five years that's too without any justification, keeping in mind the age of the applicant, which is 56 years, without going into the merit of the matter as well as the point of delay, I direct Respondent No.2 to consider the representation dt. 01.11.2012, if at all made and pending with him, as per the rules and regulations in force and communicate the result thereof to the applicant in a well reasoned order within a period of three months from the date of receipt of a copy of this order. I make it clear that if the applicant is found to be entitled to the relief claimed by her as per the rules and regulations then expeditious steps be taken within a further period of three months from such consideration to extend those benefit to the applicant. If in the meantime, the said representation has already been considered and disposed of then the result thereof be communicated to the applicant to the applicant within a period of four weeks.

5. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

6. On the prayer made by Mr. Choudhury, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent



to Respondent Nos. 2 by Speed Post for which he undertakes to file the postal
requisites by 22.03.2016.


(A.K.PATNAIK)
MEMBER(Judl.)

RK

