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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 672/2016
this the 27th day of September, 2016

CORAM
HON'BLE SHRI R.C.MISRA, MEMBER(A)
HON'BLE SHRI S.K.PATTNAIK, MEMBER (J)

Radha Sahu aged about 59 years widow of Late Shri Pabitra Sahu, Ex. Gate Keeper/ Operating / S.E. Railway, Jharsugda, permanent resident of Dipupada, Town / District Jharsuguda.

...Applicant

By the Advocate : Shri N.R.Routray

-VERSUS-

1-Union of India represented through General Manager, South Eastern Railway, Garden Reach, Kolkata-43, West Bengal.

2-Senior Divisional Personnel Officer, South Eastern Railway, Chakradharpur Division, At/PO Chakradharpur, District Singhbhum, Jharkhand.

3-Senior Divisional Operating Manager, South Eastern Railway, Chakradharpur Division, At/PO Chakradharpur, District Singhbhum, Jharkhand.

...Respondents

By the Advocate : Shri T. Rath

O R D E R (Oral)

R.C.MISRA, MEMBER(A) :

Heard Shri N.R.Routray, learned counsel for the applicant and Shri T. Rath, learned standing counsel for the Railway-Respondents.

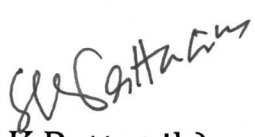
2. The applicant is the widow of late Shri Pabitra Sahu, who was working as a Gate Keeper under the South Eastern Railway at Jharsuguda. The learned counsel for applicant submitted that husband of the applicant was a regular employee of the South Eastern Railway and retired from service on 01.04.1998 on attaining the age of superannuation.


Routray

After retirement, the Railway authorities had issued Pension Payment Order on 04.05.1998 (Annex.A/1) in favour of applicant's husband. Since the husband of applicant expired on 30.11.2014, applicant after obtaining legal heir certificate of the Tehsildar, Jharsuguda, submitted an application on 15.02.2016 to the respondent No. 2 making a prayer that family pension and arrear pension may be granted in her favour. Since respondents have not so far sanctioned the family pension in her favour, she has approached this Tribunal with a prayer that respondents may be directed to grant the family pension in favour of the applicant w.e.f. 01.12.2014 and also to pay to applicant the arrear pension. The learned counsel for applicant has submitted that applicant is spending her time in distress since family pension is not being paid to her. Further, he has argued that applicant has been wrongly mentioned as second wife in the legal representative certificate but, since the first wife of deceased Railway employee has already expired, she is the only surviving wife of deceased employee. The law is well settled that pension is not a bounty to be given to a retired employee. The claim of the retired employee to the pension after serving long years in the government, is comparable to a right to property in his favour. In the present case, the pension was being paid regularly to the applicant's husband but since he expired on 30.11.2014, his wife, as a legal heir is entitled to receive the family pension. There should not be any delay in the sanction of the family pension, if it is due and admissible to a person according to the relevant pension rules. In the present case, a representation has been made to respondent No. 2 by the present applicant on 15.02.2016 (Annex.A/4) for grant of family pension and payment of arrear pension dues which is



said to be pending for disposal. It is also submitted that the documents like legal heir and death certificates have been enclosed to the representation. Therefore, onus is on the respondent No. 2 to consider her representation and pass suitable orders and if the applicant is found to be eligible to get the family pension, sanction the same and also to ensure its regular payment. The arrears of pension, if due and admissible, should also be paid. Therefore, at this stage of admission without issuing notice and without going into the merits of the matter, we direct the respondent No. 2 to consider and dispose of the representation dated 15.02.2016 (Annex.A/4), if it is pending at his level, with a reasoned and speaking order and communicate the same to the applicant within 60 (sixty) days of the receipt of a copy of this order. A copy of this order along with paper book may be transmitted to respondent No. 2 at the cost of the applicant for which, the postal requisites may be filed by 29.09.2016. A free copy of this order may be given to learned counsel for both sides after ensuring the fact that learned counsel appearing for respondents has filed his vakalatnama/memo.


(S.K. Pattnaik)
Member (J)


(R.C. Misra)
Member (A)