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OA No. 92 of 2013

ORDER dated 18<sup>th</sup> March, 2013.

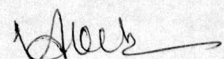
CORAM  
HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)

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This being a matter for payment of exgratia family pension is a recurring cause of action. Hence MA No.141 of 2013 seeking condonation of delay in approaching this Tribunal also stands allowed and is accordingly disposed of.

2. The grievance of the Applicant is that after the death of her husband who was in receipt of the monthly ex gratia pension, as per the rules, she was entitled to ex gratia family pension since September, 2001 i.e. the date of the death of her husband. Her grievance is that despite representation at Annexure -A/4 dated 02.12.2011, she has not been paid her legitimate dues nor has she been communicated any reply on the said representation and, therefore, she has been moving from pillar to post with begging bowls.

3. Mr.T.Rath, Learned Standing Counsel appearing for the Respondent-Railway, submitted that the FA & CAO



4  
(Pension), ECoRly, Bhubaneswar to whom the applicant addressed the letter is not the competent authority to redress her grievance as the pension sanctioning authority is the Senior Divisional Personnel Officer, ECoRly, Waltair Division/ Respondent No.3 and, therefore, this OA should not be entertained and rather, in all fairness, the applicant may be advised to make representation to the appropriate authority.

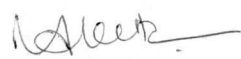
4. Heard Mr.N.R.Routray, Learned Counsel for the Applicant and Mr.T.Rath, Learned Standing Counsel appearing for the Respondents and perused the records.

5. I am not convinced on the submission advanced by Mr.Rath, Learned Standing Counsel appearing for the Respondents that this OA should not be entertained at this stage as the applicant made the representation to FA & CAO who is not the competent authority to look to the grievance of the applicant. Law is well settled that if a representation is made by an individual claiming certain benefit to an authority and if such authority is not competent to deal with the grievance he may return the representation to the individual or forward the same to the authority who is



competent to deal with such matter. But the said authority should not sit over the said representation on the plea that he is not concerned or not competent to redress the grievance as raised in the representation.

6. Be that as it may, I find that the applicant also endorsed the copy of the said representation dated 2.12.2011 to the Respondent Nos.3 & 4. In the said premises, as agreed to by Learned Counsel for the Applicant, without expressing any opinion on the merit of this matter, this OA is disposed of at this admission stage with direction to the Respondent Nos.2, 3, and 4 to look to the grievance of the applicant as raised in her representation dated 2.12.2011 and communicate the result thereof to the applicant within a period of two months and if it is found that the applicant is entitled to the benefits as per rules then the same should be paid to the applicant within a period of two months thereafter. There shall be no order as to costs.

  
(A.K.Patnaik)  
Member (Judicial)