

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH, JODHPUR

ORDER SHEET

Applicant(s) Orig. APPLICATION NO. 13 OF 199⁹
Respondent(s)
Advocate for K. Rama Sharma Advocate for U.O.I & ors
Applicant(s) Respondent(s)
Mr. Y.K.Sharma Mr. Kamal Dave.

Notes of the Registry	Orders of the Tribunal
<u>29.3.2000</u>	<p>Mr. Y.K.Sharma, Counsel for the applicant.</p> <p>Mr. Kamal Dave, Counsel for the respondents.</p> <p>Heard the learned counsel for the parties on the point of admission and considered the pleadings.</p> <p>The applicant has claimed family pension on account of death of her father Shri Mool Chand Sharma who was a railway servant, on the ground that she is the youngest of the four issues of the deceased railway serv-ant and was only 22yrs and nearly 5 months old at the time of death of her father.</p> <p>From the record it appears that the claim of the applicant was refused by the respondents on the ground that in the pension papers declaration relating to dependents name of the applicant was not mentioned by the railway servant and therefore railway refused to recognise the applicant as a daughter of the deceased. Together with the reply, the respondents have filed a letter dated 23.2.99 Annex. R/2 which shows that the applicant was informed of the stand taken by the railways. Receipt</p>

K.T.O.

of this letter is denied by the applicant.

Challenging the reply of the respondents (Annex. R/2) the applicant had moved an amendment application which is said to be pending on 2.5.2007. The MA seeking amendment was directed to be taken up today and consequently has been placed before me today in the court for consideration.

I have considered the MA. Assuming that the MA is accepted and the applicant is allowed to challenge Annex. R/2 even then the situation of the applicant is not put to any beneficial position. The respondents had disputed her entitlement for claiming family pension as being natural born daughter of deceased. In my opinion, this is a question of fact that the applicant is a natural born daughter of deceased and is entitled to claim family pension on that basis. This question of fact becomes more disputed in view of the declaration made by the deceased to the railway authorities at the time of filing his pension papers.

In my opinion the only remedy left to the applicant is first go to Civil Court ^{of competent jurisdiction} for seeking declaration of her being natural born daughter of deceased and then proceed in the matter relating to family pension as per rules, by submitting the declaratory order before the railway authorities etc. Without such declaration the applicant has no locus stand in the eye of law for grant of family pension.

In view of this the present MA cannot be proceeded within the Tribunal. The same is liable to be dismissed.

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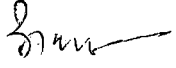
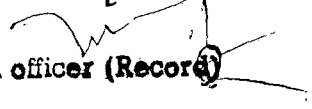
ORDER SHEET

APPLICATION NO. 13 OF 1999
Respondent(s)

Applicant(s)

Advocate for
Applicant(s)

Advocate for
Respondent(s)

Notes of the Registry	Orders of the Tribunal
<p>Rev 10/01/06 11/4/06</p> <p>Copy 13.4.2006 C.K. Sharma</p>	<p>The application is therefore dismissed at admission stage as per my observations in forgoing paras.</p> <p>Parties are left to bear their own costs.</p> <p> (A.K. MISRA) Member (Judl.)</p> <p>Part II and III destroyed in my presence on 13.10.06 under the supervision of section officer as per order dated 23.12.06</p> <p> Section officer (Record)</p>