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**CENTRAL ADMINISTRATIVE TRIBUNAL,  
JODHPUR BENCH, JODHPUR**

Original Application No. 103/2008

Date of order: 26.05.2008

**HON'BLE MR. JUSTICE A.K. YOG, JUDICIAL MEMBER.  
HON'BLE MR. R.R. BHANDARI, ADMINISTRATIVE MEMBER.**

Chukki Devi W/o Late Sh. Gopi Kishan Ji, Ex. Tech Gr.II  
(M.Man), Workshop, NWR, Bikaner.  
By Caste - Meena, aged 51 years. Resident of - Mohanpura  
Basti, Near Rathi Well, VPO - Nokha Mandi, Distt. Bikaner.

...Applicant.

Shri Nitin Trivedi, counsel for applicant

**VERSUS**

1. The Union of India through General Manager, North Western Railway, Head Quarter Office, Jaipur.
2. The Divisional Railway Manager, North Western Railway, D.R.M. Office, Bikaner.
3. The Dy. Chief Mechanical Engineer (Workshop), North Western Railway, Bikaner.

...Respondents.

**ORDER**

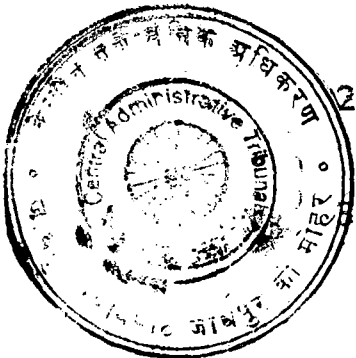
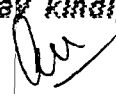
Delivered By - Mr. Justice A.K. Yog

Heard learned counsel for the applicant.

We have perused the pleadings of the Applicant as well as  
the documents annexed with the O.A.

Reliefs claimed in the present O.A. are:

*"(A) That by an order or direction of the appropriate  
nature, the respondents may kindly be directed to*



*provide the Invalid Family Pension to the applicant.*

*(B) That respondents may kindly be directed to make the payment of the arrears of the family pension w.e.f. the date of death of her husband i.e. 19-05-2000 along with interest @ 9% per annum on the arrears of the family pension up to the date of realization of the amount with all consequential benefits.*

*(C) That any other order or direction, which this Hon'ble Tribunal deems fit and proper, in the facts and circumstances of the case, may kindly be passed in favour of the applicant.*

*(D) That the costs of the Original Application may kindly be awarded in favour of the applicant."*

Facts and circumstances, in which applicant has claimed aforesaid reliefs, does not appear to be in dispute except whether respondent-department has taken final decision in the matter of - entitlement of the applicant to receive pension / family pension / gratuity / ex-gratia payment; etc., after her husband retired on the ground of becoming 'INVALID' as contemplated under relevant Rules and, if so, whether decision communicated to the applicant.

Documents annexed with the O.A., constitute correspondence between respective authorities of the Respondent-Railway Department which show that question of granting relief (as noted above) was under consideration.

Annexure A/7 to the O.A. is the letter dated 04.04.2003 written by Dy. Chief Mechanical Engineer (W), North-Western Rly. Workshop, Bikaner to the General Manager (P), North-Western Railway, Headquarters Office, Jaipur - requesting for conveying its decision/sanction in the matter.

*De*



In para 4.8 of the O.A., the applicant alleges that he has not been communicated by the Respondent/s with a decision on the said issue/claim of the Applicant - in spite of her making possible efforts.

There is no application for condoning delay in filing O.A. within prescribed period (i.e. one year), we are of the view that applicant should not be made to suffer on the ground of limitation / laches, particularly when her husband (the employee in question) meanwhile died and the applicant is said to be an illiterate person. It is well settled, particularly in the matter of employee and a model employer, that technicality should not be allowed to frustrate substantial relief by sweeping it under carpet on technicalities. Learned counsel for the applicant argues that it is a case of recurring cause of action. We do not, at present, propose to adjudicate this aspect in this case. We are of the view that the grievance of the Applicant must be adjudicated on merit finally but by the Department, if it has so far failed to do so. If 'matter' has already been decided finally, after issuance of above-referred letter dated 04.04.2003 / Annexure A-7 to the O.A. - an authenticated copy of the order must be communicated, if not already communicated, to the applicant forthwith by Registered Post at her address shown in the array of the parties of this O.A.



In view of the above, we direct the applicant to file a

*[Handwritten signature]*

certified copy of this order along with complete copy of this O.A. (with all annexures) and also representation/additional representation, if any and so advised, before the respondent No. 1/General Manager, North Western Railway, Headquarters Office, Jaipur within four weeks from today and the said authority is directed to consider and decide the case of the applicant by passing a reasoned/speaking order in accordance with law/rules/circulars, etc., exercising its unfettered discretion since we have not entered into the merits of the case at this stage. The decision shall be taken under this 'Order' as directed above within two months on receipt of certified copy of this order (as stipulated/contemplated above). If decision has already been taken, the same shall be communicated to the applicant forthwith by Registered Post at her address shown in the array of the parties of this O.A.



O.A. stands allowed by moulding the relief to the extent indicated above.

No order as to costs.

*R.R. Bhandari*  
 [ R.R. Bhandari ]  
 Member (A)

*A.K. Yog*  
 [ A.K. Yog ]  
 Member (J)

Kumawat

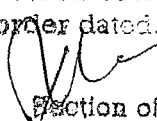
Record AM

MISAR

02/16/08

for misis Tairah  
ADM

Part II and III destroyed  
in my presence on 15/12/07  
under the supervision of  
section officer ( ) as per  
order dated 19/18/2016

 19/18/2016

(Section officer (Record))