

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH
O.A. No. 423/2003

Thursday this the 21st day of August, 2003.

CORAM:

HON'BLE MR. T. N. T. NAYAR, ADMINISTRATIVE MEMBER

P.Jothi, W/o late V.Krishnan,
(Cabinman/Coimbatore North)
residing at: Door No.46,
Pongia Gounder Lane,
Dr.Azhagappa Chettiar Road,
Arumukku, Coimbatore. Applicant

(By Advocate Shri T.C.Govindaswamy)

vs.

1. Union of India represented by the General Manager, Southern Railway, Headquarters Office, Park Town P.O., Chennai-3.
2. The Divisional Railway Manager, Southern Railway, Palghat Division, Palghat.
3. The Senior Divisional Personnel Officer, Southern Railway, Palghat Division, Palghat. Respondents

(By Advocate Shri P. Haridas)

The application having been heard on 21st August, 2003, the Tribunal on the same day delivered the following:

ORDER

HON'BLE SHRI T.N.T.NAYAR, ADMINISTRATIVE MEMBER

The applicant, Smt.P.Jothi claims that she is the widow of the late V.Krishnan who died as Cabinman, Coimbatore North, Southern Railway and is hence entitled to family pension. According to the applicant, her husband V.Krishnan passed away on 24.12.96 while he was in service. Since no death benefits have been granted to her except an amount of Rs.1000/- on account of funeral expenses and since there was no response to the

representation dated 29.5.2002, the applicant has come up with this O.A. seeking the following main reliefs:

- a) Declare that the non-feasance on the part of the respondents 2 & 3 to grant the applicant family pension, death gratuity and other death benefits is arbitrary, discriminatory, contrary to law and unconstitutional and direct the respondents accordingly.
- b) Direct the respondents to grant and pay forthwith the applicant family pension, death gratuity and all other death dues, consequent upon the demise of the applicant's husband V.Krishnan.

2. Though a statement in reply to the O.A. was sought to be filed before admission and it was agreed that the application could be disposed of on the basis of such statement, no statement has been filed by the respondents. When the matter came up for consideration today, learned counsel on either side, however, have agreed that the O.A. can be disposed of by directing the 2nd respondent to dispose of the applicant's A-1 representation dated 29.5.2002 after calling for any further material in support of the applicant's claim for family pension and to pass appropriate orders thereon with copy thereof to the applicant within a specified time frame.

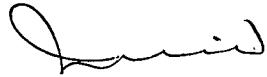
3. In the light of the above submission, I proceed to dispose of the O.A. by directing the 2nd respondent to consider the A-1 representation dated 29.5.2002 of the applicant in the light of any supporting material, if need be, and to dispose of the same by passing a speaking order and serve a copy thereof on the applicant within a period of two months from today. The 2nd respondent is further directed that if the applicant is the

9

genuine claimant for family pension all the consequential benefits should be granted to her within a further period of one month from the date of passing appropriate orders on the applicant's representation, as directed above.

4. O.A. is disposed as above. There is no order as to costs.

Dated the 21st August, 2003.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER

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