

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No. 428 of 2011

Wednesday, this the 18th day of July, 2012

CORAM:

HON'BLE MR. K. GEORGE JOSEPH, ADMINISTRATIVE MEMBER

N.K. Padma, Aged 36 years,
D/o. M.C. Narayanan,
Nayadikunnathu House,
Manjakkad, Shornur : 679 121 ... **Applicant.**

(By Advocate Mr. T.C. Govindaswamy)

v e r s u s

1. The Union of India represented by
The General Manager, Southern Railway,
Headquarters Office, Park Town P.O.,
Chennai : 600 003
2. The Senior Divisional Personnel Officer,
Southern Railway, Trivandrum Division,
Trivandrum : 695 014
3. The Senior Divisional Finance Manager,
Southern Railway, Trivandrum Division,
Trivandrum : 695 014 ... **Respondents.**

(By Advocate Mr. Thomas Mathew Nellimootttil)

This application having been heard on 09.07.12, the Tribunal on 18-07-12
delivered the following :-

ORDER

HON'BLE MR. K. GEORGE JOSEPH, ADMINISTRATIVE MEMBER

The applicant is the unmarried daughter of late M.C. Narayanan, who
while working as Sanitary Cleaner in the Trivandrum Division of Southern
Railway, passed away on 20.05.1992. Family pension was granted to the

applicant's mother, who also passed away on 12.09.2007. The applicant applied for family pension to the 2nd respondent. All necessary documents were collected. Finally, she approached the Pension Adalat conducted by the 2nd respondent. She was informed that the family pension was sanctioned to her and that the connected papers were sent to the Accounts office for further processing. As the pension papers were lost, the applicant again submitted the pension papers duly filled in. The applicant was informed that certain papers submitted by her were again lost and she should resubmit the same. Aggrieved, the applicant has filed this O.A. for the following reliefs:

- (i) Direct the respondents to grant the applicant's family pension with effect from 13.09.2007 with all its consequential arrears of pension and other admissible amount forthwith;
- (ii) Direct the respondents to grant the applicant interest on the family pension @ 9% per annum to be calculated from the date from which the family pension fell due month after month upto the date of full and final settlement of the same;
- (iii) Award costs of and incidental to this application;
- (iv) Pass such other orders or directions as deemed just, fit and necessary in the facts and circumstances of the case.

2. The applicant contended that she had produced all the requisite documents for receiving family pension consequent upon the demise of her mother who was in receipt of family pension. As the family pension has already been sanctioned, there is no reason for the 3rd respondent to withhold the pension papers without assigning any reason. Non-feasance on the part of the respondents to release the family pension due to her with effect from 13.09.2007 is arbitrary, discriminatory and unconstitutional.

3. In the reply statement filed by the respondents, it was submitted that



the matter regarding grant of family pension to the applicant had been duly followed up by the 2nd respondent. It has been ascertained from the 3rd respondent that the documents like income certificate, non-marriage certificate etc. submitted by her pertain to the year 2007 and that due certificates in the matter had to be collected as on present date.

4. We have heard Mr. T.C. Govindaswamy, learned counsel for the applicant and Mr. Thomas Mathew Nellimoottil, learned counsel for the respondents and perused the records.

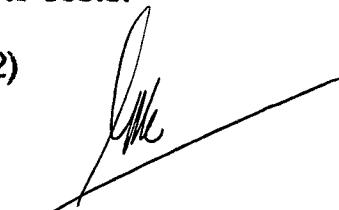
5. From the facts of the case, there is no case for the respondents that the applicant is not eligible for family pension with effect from 13.09.2007. Necessary documents have already been furnished by the applicant. The papers are now pending with the 3rd respondent for further necessary action. The 3rd respondent it appears, takes the stand that various documents submitted by the applicant were related to the year 2007 and that due certificates in the matter are to be collected as on present date. The applicant had submitted necessary certificates in time. If the papers are lost, the responsibility for the same lies with the respondents. As per office memorandum dated 06.09.2007 at Annexure A-1, the applicant is entitled for family pension. In the circumstances, there is no justification for the delay at the hands of respondent No. 3 in the matter for no fault of the applicant. Insistence on due certificate as on present date is arbitrary in the circumstances of the case. The 3rd respondent should issue necessary orders granting family pension to the applicant and collect any certificate, if need be, from the applicant subsequently. Further delay on the part of the 3rd

respondent should invite recovery of interest payable to the applicant from him. That the applicant had to move from pillar to post for almost five years for her legitimate entitlement does not earn any credit for the respondents.

6. In the light of the above, the respondents are directed to grant the applicant family pension with effect from 13.09.2007 with all consequential arrears of pension and other admissible amount forthwith. The respondents are further directed to pay interest to the applicant @ 9% per annum to be calculated from the date from which the family pension fell due month after month upto the date of full and final settlement of her claim. The amount due to the applicant shall be paid within a period of 2 months from the date of receipt of a copy of this order. Any delay in making payment beyond the period stipulated herein will entail payment of interest to the applicant @ 12% per annum on the amount payable to her till the date of actual payment.

7. The O.A. is allowed as above with no order as to costs.

(Dated, the 18th July, 2012)



K. GEORGE JOSEPH
ADMINISTRATIVE MEMBER

cvr.