

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. No. 503 OF 2006

Friday this the 27th day of July, 2007.

CORAM :

HON'BLE Dr. K.B.S.RAJAN, JUDICIAL MEMBER

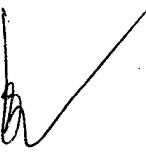
K Lakshmi,
W/o late R Mathan,
Ex-Trackman, Jeeyapuram R.S.,
Residing at: Ullada, Ketti.P.O.
Nilgiris. : **Applicant**

(By Advocate Mr. TC Govindaswamy

Versus

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.
4. The Senior Divisional Engineer, Southern Railway, Palghat Division, Palghat.
5. The Senior Section Engineer (Permanent Way), Southern Railway, Thiruchirappalli, Fort R.S. & P.O, Thiruchirappalli, Tamil Nadu. : **Respondents**

(By Advocate Ms PK Nandini)

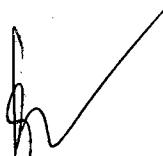
 The application having been heard on 27.07.2007, the Tribunal on the same day delivered the following :

ORDER

HON'BLE Dr. K.B.S.RAJAN, JUDICIAL MEMBER

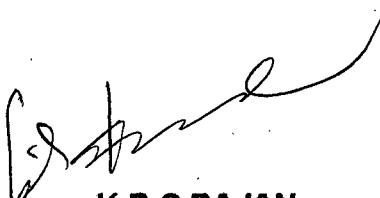
The applicant in this case is a widow of one late R.Mathan, who was Head Trackman in the Palghat Division of Southern Railway. The said Mathan expired on 26.2.2001. The applicant is aggrieved by the denial of grant of settlement dues including her family pension and other death benefits.

2. The respondents have contested the O.A and according to them, since the said Mathan was removed from service as early as in 2000, no terminal benefits accrue to be paid over to him during his life time or to his legal heirs. Further, in view of the removal the question of payment of grant of family pension does not arise.
3. The applicant has filed a rejoinder denying the issue of any order of removal of the applicant's husband. As such a copy of the removal order was called for from the respondents which had been filed. The counsel for respondents on instructions submitted that the applicant, if so desires, may apply for compassionate allowance/family pension in which event the same would be considered by the respondents.
4. Counsel for the applicant has also submitted that if the respondents would consider sympathetically, the applicant would be preferring such a representation for grant of compassionate allowance. In other words, the counsel for applicant submits that the applicant would not be challenging the order of removal in the event that the respondents consider the case of the applicant for compassionate allowance/family pension.



5. Taking judicial note of the above submissions of the counsel on both sides, the application is disposed of with a direction to the disciplinary authority to consider and decide within six weeks the representation, if one such is made by the applicant within a month from today for compassionate allowance/family pension. Needless to mention that proof of legal heirs etc. shall be, if so required by the disciplinary authority, made available by the applicant.

Dated, the 27th July, 2007.



K.B.S.RAJAN
JUDICIAL MEMBER

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