

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.574/2005.

Friday, this the 29th day of July, 2005.

CORAM:

**HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN
HON'BLE MR. K. V. SACHIDANANDAN, JUDICIAL MEMBER**

V.K.Lakshmikutty,
Widow of late K.Vasu (Ex-Plumber Khalasi, Office of
Section Engineer/Works/Southern Railway, Podannur
residing at Korangottu House,
Kanjiramattom, Ernakulam. Applicant

(By Advocate Shri TC 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 Smt.Sumathi Dandapani)

The application having been heard on 29.7.2005 the Tribunal on the same day delivered the following:

ORDER

HONBLE MRS. SATHI NAIR, VICE CHAIRMAN

The applicant is the wife of Shri A. Vasu, who was working as Plumber Khalasi in the Palghat division of Southern Railway. It is averred in the O.A. that he left the home in June 1996 and he has not turned up so far. After waiting for some time the applicant has given a police complaint and an FIR was registered on 17.2.04. After investigation, the Police authorities submitted a final report under Section 173 of Cr.P.C. dated 26.7.04 with the finding that Shri Vasu is not traceable. Consequently the applicant submitted representations on 18.2.04 and 3.7.04 addressed to the 3rd respondent and again he submitted another representation to the same respondent on 6.4.2005, but there has been

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no response to all these representations. It is submitted that if a person is missing and if it is found by the Police that he is not traceable, it is to be presumed that he is dead. On the basis of this presumption of death the family pension is liable to be paid on the submission of an indemnity bond.

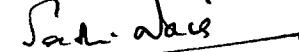
2. We have heard the counsel on both sides. In view of the above submission, we are of the view that, this is a matter to be investigated only by the respondents after verification of relevant records including the police report. Therefore, we permit the applicant to file a fresh detailed representation before the authority with all details as has been mentioned in the O.A. within a period of ten days and on receipt of the same the 2nd respondent shall consider the matter in accordance with the rules and take a decision within a period of three months from the date of receipt of the representation.

3. O.A. is disposed of as above. In the circumstance, no order as to costs.

Dated the 29th July, 2005.



K.V.SACHIDANANDAN
JUDICIAL MEMBER



SATHI NAIR
VICE CHAIRMAN