

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No.
DA/730

236

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DATE OF DECISION 21.9.92

Jaico K.A. & Nirmala K.A.

Applicant (s)

Mr. B. Raman Pillai

Advocate for the Applicant (s)

Versus

Union of India represented by
Secretary, Railway Ministry,
New Delhi and others

Respondent (s)

Smt. Sumathi Dandapani

Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. P.S. Habeeb Mohamed, Administrative Member

The Hon'ble Mr. N. Dharmadan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. To be circulated to all Benches of the Tribunal ?

JUDGEMENT

Mr. N. Dharmadan, Judicial Member

Applicants are legal heirs of one K.R. Antony of Kidangan House, Near St. Anne's Chappel, Enamakkal. Shri Antony retired on 28.2.81 from N.F. Railway, and died on 16.3.85. Annexure-E is the certificate. Thereafter, the elder brother of the applicants, Shri A.A. Paul, submitted a representation Annexure R-1 dated 31.3.86 claiming family pension. Since nothing was heard after Annexure R-1, applicant submitted further representation and this application under section 19 of the Administrative Tribunals Act for a direction to the respondents to disburse to the applicants the entire arrears of family pension due to them from 16.3.85 onwards.

2. Respondents filed reply statement and submitted that immediately after receipt of Annexure R-1, Annexure R-2

communication was sent to Shri K.A. Paul requesting him to furnish necessary details so as to enable them to pursue the matter and grant relief in accordance with law. Since Shri Paul or any of the legal heirs failed to furnish necessary details, respondents were unable to grant family pension as claimed by him. Respondents further submitted that the application is liable to be dismissed.

3. Applicants filed rejoinder and submitted that the applicants attained majority on 20.8.91 and 20.8.92 respectively. They are entitled to family pension from 16.3.85 considering the representation Annexure R-1 already furnished by the eldest brother of the applicants. It is the statutory duty of the Railways to pursue the matter ever since Annexure R-1, xxxxxxxxxxxxxxxxx. Annexure R-2 was not received by them. They have submitted that subsequent to the filing of the O.A. they have received Annexure-I letter issued by the Works Manager, EWS, Bengaigaon calling upon the brother of the applicants to furnish necessary details for granting the family pension with arrears. It is submitted that necessary details have been submitted pursuant to Annexure-I letter issued by the Works Manager. Applicants submitted that the fact that Works Manager has issued Annexure-I indicates that no communication was sent to the brother of the applicants prior to the same as contended in the reply statement filed by the respondents. If the respondents have directed the brother of the applicants to furnish details, he would have furnished the same before the stipulated period.

4. Having heard counsel on both sides, we are of the view that the claim of the applicants for family pension on the basis of Annexure R-1 requires examination by the 4th and addl. fifth respondents in the light of Annexure-I letter issued to the applicant and the details furnished

by applicants' eldest brother.

5. Having regard to the facts and circumstances of the case, we are of the view that respondents 4 & 5 should consider the claim of the applicants for family pension from 16.3.85 based on the request Annexure R-1 and the reply submitted to Annexure-I issued by the Works Manager, EWS Bongaigaon afresh. Respondents are also directed to take a decision and disburse the arrears from 16.3.85, the date of death of the father of the applicants. This shall be done within three months from the date of receipt of a copy of this judgment.

6. The application is allowed as indicated above.

7. There will be no order as to costs.


(N. Dharmadan)

Judicial Member

kmn


(P.S. Habeeb Mohamed)

Administrative Member