

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.293/2003.

Tuesday this the 8th day of April 2003.

CORAM:

HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

Jenat Francis, W/o VJ Francis,  
(Ticket Collector/S.Rly./Alwaye),  
Vilakkanadan House, Edathala P.O.,  
Pookkattupadi, Ernakulam District. 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.
2. The Divisional Railway Manager,  
Southern Railway, Trivandrum Division,  
Trivandrum.
3. The Divisional Personnel Officer,  
Southern Railway, Trivandrum Division,  
Trivandrum. Respondents

(By Advocate Shri P.Haridas)

The application having been heard on 8th April 2003,  
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

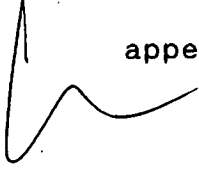
The applicant is a widow of late V.J.Francis who is a Ticket Collector at Alwaye Railway Station of Southern Railway, Trivandrum. He was initially appointed in the Railways as a regular Server on 20.10.1979 and later he was promoted as Ticket Collector and posted Alwaye. During 1991, he was sick for a long time and was under treatment in the Railway Hospital, Palghat where from he was missed and his whereabouts were not known for a long time. The applicant and her three children, born out of the wedlock with V.J.Francis, spent years of anxious waiting. During the first week of March, 2001, V.J.Francis returned back but in a

battered state of mind and body. He was chronically ill that he was laid up soon thereafter and finally passed away on 13.3.2001. Immediately after the demise of late VJ Francis the applicant submitted a representation addressed to the 3rd respondent requesting for grant of family pension, compassionate appointment and other death benefits. There was no response. The applicant again submitted another representation dated 4.2.2002(A1) addressed to the 2nd respondent requesting the same relief, but there was no reply so far.

2. The applicant reiterated that there is no order of termination of services of the applicant's late husband. He continued to be a regular servant till his demise on 13.3.2001. The applicant stated that she had not remarried and being a widow she is entitled to get the family pension and other settlement dues, consequent upon the demise of late VJ Francis. Since the respondents have not taken any action or given any reply she filed this O.A. seeking the following reliefs:

- a) Declare that the nonfeasance on the part of the respondents to settle the applicant's dues consequent upon the demise of the applicants late husband VJ Francis, and also the denial of family pension to the applicant is illegal and unconstitutional.
- b) Direct the respondents to grant the applicant forthwith, family pension and all other death benefits as provided in law, consequent upon the demise of the applicant's late husband V.J. Francis.
- c) Award costs of and incidental to this application;
- d) Pass such other orders or directions as deemed just, fit and necessary in the facts and circumstances of the case.

3. When the matter came up for hearing Shri TC Govindaswamy appeared for the applicant and Shri P.Haridas appeared for the

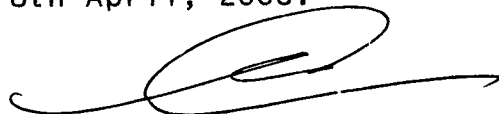


respondents. Learned counsel for the applicant submitted that the applicant would be satisfied, if the 2nd respondent is directed to dispose of the A-1 representation made by the applicant and to give an appropriate reply within a time frame. Learned counsel for the respondents submitted that he has no objection in adopting such a recourse.

4. In the interest of justice, this Court directs the 2nd respondent to dispose of A-1 representation considering the relevant aspects on the subject, the rule position and the relevant orders thereof and to take appropriate action and give the applicant a speaking order within a period of two months from the date of receipt of a copy of this order.

5. With the above observations the O.A. is disposed of with no order as to costs.

Dated the 8th April, 2003.



K.V.SACHIDANANDAN  
JUDICIAL MEMBER