

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

R.A. 26/06

IN

O.A. No. 180/05

Lucknow this the 28th day of Feb., 2007.

Hon. Mr. M. Kanthaiah, Member (J)

Smt. Gulab Devi, aged about 54 years, widow of late Sri Chhotey Lal, resident of 347/147, Bairagi Tola Old Tikaitganj, Lucknow.

Applicant.

By Advocate Shri S.K. Singh.

Vs.

1. Union of India through General Manager, Baroda House, New Delhi.
2. Senior Personnel Officer, Northern Railway, Baroda House, New Delhi.
3. Deputy Chief Mechanical Engineer (W) Carriage and Wagon Workshop, Alambagh, Lucknow.
4. Office Incharge, Air Force Record Office, New Delhi.

Respondents.

By Advocate: Respondents 1 to 3 Shri Arvind Kumar.

Respondent No. 4 Shri S.P. Singh.

By Hon. Mr. M. Kanthaiah, Member (J)

1. The applicant has filed the Review petition to review the order dated 9.6.06 and to pass fresh orders on the ground that the Tribunal has not given any finding in respect of her claim of family pension from respondents 1 to 3- railway authorities. She contends that she sought for family pension from both the departments i.e. Railways (respondents 1 to 3) and respondent No.4 (Air Force), but the Tribunal ^{allowed} her claim payable from Air force only and not given any finding in respect of her claim from respondents 1 to 3, though her husband worked for about 11 years in Railway department.
2. The respondent No. 4 filed objections alongwith compliance report stating that they have implemented the orders of the Tribunal on 9.6.06 by sending a letter dated 25.7.06 to the Treasury Officer Lucknow for

commencing the family pension with all arrears applicable to her and as such this application for review is not at all maintainable.

3. The respondents 1 to 3 filed their objections stating that the Tribunal had considered the claim of the applicant and ordered against respondent No.4 only. By way of this Review petition the applicant is trying to get the re-appraisal of evidence on record which is not permissible under law and thus opposed the review application. They also further stated that the applicant cannot be allowed to claim family pension against them as her husband was drawing pension only from respondent No. 4 and opted the same, therefore, the claim of the applicant against respondents 1 to 3 is not legally sustainable in the eyes of law

4. Heard both the sides.

5. The point for consideration is that whether the applicant is entitled to the relief as claimed by her.

6. The admitted facts of the case are that the review petitioner is the applicant who filed Original Application against respondents 1 to 3 (railway department) and respondent No.4 (Air Force) to issue direction to the respondents to sanction family pension ~~for~~ ^{from} both the respondents for which she is entitled as the widow of deceased Chhotey Lal who served in both the departments. Basing on the material available on record, more particularly on Annexure A-1 dated 18.1.03 issued by respondents 1 to 3, the Tribunal passed orders against respondent No.4 on the ground that the deceased informed the respondents 1 to 3 opting family pension from 4th respondent only. The orders of the Tribunal is also clear giving direction to the respondent No. 4 ~~for~~ ^{to} considering the application of the petitioner dated 21.2.03)(Annexure 15) for grant of family pension which is payable to her within two months from the date of order.



7. 4th respondent also filed compliance report which is Annexure CR-1 dated 25th July, 2006 and the recitals of it show as follows:

"As per decision of the Hon'ble Court, the widow of the deceased is to get family pension from Air force side and the name of the widow is jointly notified vide PPO No. 08/14/B/0219/1985. You are requested to commence family pension to lady with all arrears applicable.

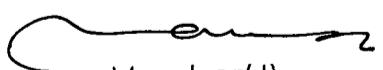
Thus, informed to the Treasury Officer, Lucknow, - U.P.

8. From the recitals of Annexure CR-1, the compliance report, the 4th respondent have considered the claim of the applicant from their side for release to family pension to the applicant.

9. If it is the case of the applicant, that 4th respondent did not consider her family pension, including the family pension entitled from Railways, she is at liberty to claim from the respondents 1 to 3 (railways). When this Tribunal has given clear finding in respect the claim of the applicant for consideration of her claim of family pension from all the respondents, and when the 4th respondent filed compliance report stating that he has complied with the order of the Tribunal, again reviewing the matter is not at all maintainable.

10. If the applicant is not satisfied with the compliance of the respondent No.4 and it is not in accordance with the orders of the Tribunal, she is at liberty to question the same by filing necessary proceedings. Similarly, it is also open to the applicant if her claim from respondents 1 to 3 has not been considered, by the 4th respondent for payment of Family Pension, she is at liberty to file separate proceedings against respondent No.1 to 3 and with this liberty this R.A. is disposed of.

No costs.


Member(J) 28.2.07

s.a.