

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW**

ORIGINAL APPLICATION NO: 221/2011

This, the 3rd day of June, 2011

HON'BLE JUSTICE SHRI ALOK KUMAR SINGH, MEMBER (J)

Smt. Parvati Devi,
Aged about 87 years,
Wife of late Sri Jageshwar,
R/o village Badela,
Tahsil Rudauli,
District Faizabad.

Applicant

By Advocate Shri O. N. Pandey.

Versus

1. Union of India through
the Secretary Ministry of Railway,
Barodara House,
New Delhi.
2. The Senior Section Officer (E)
Northern Railway Lucknow.
3. Senior Divisional Account Officer,
Northern Railway Lucknow.
4. Varishth Mandal Karmik Adhikari
Uttar Railway Lucknow.

Respondents

By Advocate Shri S. Verma.

Order (Dictated in Open Court)

By Hon'ble Justice Shri Alok Kumar Singh, M(J)

This O.A. has been filed for directing the opposite parties to release the family pension in favour of petitioner being legally wedded wife of late Jageshwar, who died on 1.9.2009. There is also a request to release the arrears of pension from the date death of her husband along with 18% interest per annum.

2. The case of the applicant is that her husband was getting pension. After his death on 1.9.2009, the applicant moved an application before Chief Treasury Officer, Faizabad for sending the papers to Senior Divisional Accounts Officer,

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Northern Railway, Lucknow and on her request, those papers were sent from Faizabad Treasury to Senior Divisional Accounts Officer, Northern Railway Lucknow vide letter dated 10.4.2010(Annexure-6). Since then, the papers are pending with the respondents. On moving application under Right to Information Act, it was informed vide letter dated 20.1.2011 (Annexure -8) that since, the applicant's husband retired in the year 1983, i.e about 27 years before and it was an old case, therefore, for the preparation of family pension, the relevant papers have now been located and the same would be sent to the Accounts Department at the earliest. It is also mentioned in this letter that normally, the sending of pension papers are not required and the family pension is prepared from that place itself from where the deceased employee was getting pension. Prior to receiving this information, she had sent a letter addressed to the Senior Divisional Personnel Officer, Northern Railway on 4.5.2010 in this regard. But till date, nothing has been done. Hence this O.A. was filed.

3. From the other side, Shri S. Verma, learned counsel for the respondents submits that as mentioned in the information dated 20.1.11 (Annexure -8) filed by the applicant herself, there was no need to have got the pension papers sent from Faizabad Treasury to the railway authorities for making family pension. Because, normally, the family pension is prepared from the same treasury from where, deceased employee was getting pension.

4. From the facts and circumstances of this O.A., it appears that it can be decided at the admission stage itself without inviting counter affidavit. Firstly because, admittedly, the pension papers are in the custody of the opposite parties as mentioned in the aforesaid letter dated 20.1.11 (annexure-8) and

there does not appear to be any dispute on the point that the applicant is the legal wedded wife of the deceased employee Jageshwar, on whose request, the papers were rightly or wrongly sent from Faizabad Treasury to the railway authorities. The learned counsel for the applicant submits that these papers were got sent from the Treasury to the railway authorities because, she was told that the verification would be done by the railway authorities. There appears some substance in this contention because, if those papers were not required at all for the purpose of verification for the railway authorities, then what was the need or justification for the railway authorities to have kept those papers pending with them for such a long time i.e. for about one year. In the written information furnished by the Railways under Right to Information Act on 20.1.11 (Annexure 8) also it has been clearly said that on account of the concurrence of the accounts department of the Railways, the file of the applicant regarding family pension along with service book and other relevant papers will be sent to the accounts department as soon as possible. The learned counsel for the respondents points out that as mentioned in their letter dated 4.5.2010, moved by the applicant addressed to the Senior Divisional Personnel Officer (Annexure 7), the prayer was made to close and cancel the account No. 75051010021824 of the Bank Of India, Branch Rudauli, district Faizabad and to send the same again to the same Branch in respect of same account number. It is really surprising that why at all this prayer for closure of account and then reviving the same account was made. The applicant herself and her counsel is not able to clarify this. Therefore, there appears a sort of contributory negligence on the part of both the parties and hence, question of payment of 18 % interest per annum does not arise. As far as, the rest of the prayers is concerned, the same deserve to be accepted.

6. In view of the aforesaid facts and circumstances, this O.A. is allowed with the direction to the opposite parties to send back after verification or completing other required formalities, if any, the relevant pension papers and service book etc if so required to the Branch of the concerned Bank as requested by the applicant, as early as possible preferably within two months from the date a certified copy of this order is submitted by the applicant before them. The arrears of pension from the date of the death of the deceased employee shall also be prepared and paid by the authorities concerned to the applicant. If any discrepancy in respect of closing and opening of account is found, the applicant shall herself be responsible for the same and shall do the needful so that the matter may not get delayed on account of her own fault.

7. No order as to costs.


(Justice Alok Kumar Singh)
Member (J)

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