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CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH, LUCKNOW

Original Application No. 573 of 92

Versus

Union of India & Others Respondents

Hon'ble Mr. S.N. Prasad, Member (J)

The applicant has approached this tribunal under section 19 of the Administrative Tribunals Act, 1985 for directing the respondents to grant family pension to the applicant w.e.f. 26.6.92- the date of death of the applicant's father Sri Munna Lal Saxena who was working as H.S. Fitter Carriage and Wagon Shop, N. Railway Lucknow and who retired on 31.12.1986, and died on 26.6.92.

2. The main grievance of the applicant appears to be that the deceased Munna Lal had been married formerly and his wife died thereafter issueless. He did not marry again upto last moment of his life and died on 26.6.92, but prior to his death during the year 1984, the applicant was adopted by the aforesaid deceased Munna Lal and in regard to the adoption ceremony as per Hindu rituals and rites, and accordingly adoption deed was executed to this effect on 12.10.1984. The sole claim of the applicant is based on the aforesaid adoption deed (a copy whereof is Annexure A-3). It has further been stated that despite his best efforts and representations to the authorities concerned, nothing materialised so far and as such the applicant has approached this tribunal.

3. The respondents have filed their counter-reply wherein the factum of adoption has been admitted by the respondents. However, the respondents have contended that the applicant has not informed the authorities concerned in time about the death of the aforesaid Munna Lal Saxena. 6 Contd.. 2/-

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4. Rejoinder-affidavit has been filed by the applicant wherein almost he has reiterated all those very view points and contentions as set out in the original application.

5. I have heard the learned counsel for the parties and have thoroughly gone through the records of the case. A perusal of Annexure R-1 to the Rejoinder-affidavit reveals that the applicant had informed the Incharge D.S. Office, Hazratganj, Lucknow about the death of the aforesaid deceased Munna Lal on 6.7.92, but ~~xx~~ this R.-1 does not appear to have been addressed to the proper authority. A perusal of record further reveals that representation of the applicant dated ^(which was sent by his Counsel) 10.8.92 (Annexure-A-5) which was followed by reminder dated 28.9.92 (Annexure A-6) has not been disposed of so far and considering all the facts and circumstances of the case, I find it expedient that the ends of justice would be met if the respondent no.1 (D.R.M. N. ~~R~~ Railway, Hazratganj, Lucknow) is directed to decide the above representation of the applicant by reasoned and speaking order and in accordance with the extant rules and order of the Railway Boards in this regard; within a period of three months from the date of receipt of the copy of this judgement and to redress the grievance of the applicant after making necessary enquiry and after getting the certain formalities completed by the applicant, if the applicant is found entitled therefor; and I order accordingly.

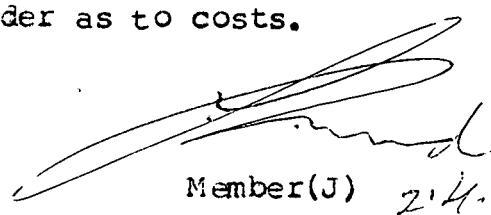
6. It is made clear that in case, the above [~] representation dated 10.3.92 is not readily available with the respondent no. 1, then in that case, the respondent no.1 will obtain a copy of the aforesaid Annexure A-5 to expedite

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the matter and the applicant is also directed to furnish
a copy of the aforesaid ^{~ Annexure ~} A-5 within a period of 15 days
from the date of receipt of the copy of this judgement
to enable the respondent no. 1 to take action accordingly
within aforesaid period of time. The application is
disposed of as above. No order as to costs.


Member(J)

21.4.93

Lucknow Dated: 2.4.1993

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