

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA.**

O.A. No. 238 of 2006

Date of order : 19.04.2006

C O R A M

Hon'ble Mr Justice P.K. Sinha, Vice-Chairman

Sukhadeo Kumar Mandal

Vs.

Union of India and others

Counsel for the applicant : Shri R.K. Bariyar

Counsel for the respondents: Shri Mukund Jee.

O R D E R (Oral)

By Justice P.K. Sinha, V.C.:-

Heard learned counsel for the applicant and learned Standing Counsel for the respondents, Shri Mukund Jee. The father of the applicant who had retired from service in the railway department on 31.3.1999, had expired on 4.4.1999. The mother of the applicant also died on 13.5.2000. It is claimed that applicant's mother should have been, and was, entitled to family pension during her life time, which has not been paid to her. The prayer is to direct the respondents to pay the arrears of the family pension which had accrued to the deceased mother of whom the applicant is

B. N. O. G.

a legal heir.

2. On being asked, the learned counsel for the applicant submits that so far his information goes, the applicant has one more brother. The applicant had also submitted a representation for that vice Annexure A/3 dated 23.8.2000 and had also submitted affidavit vice Annexure A/4.

3. The learned Standing counsel for the respondents submits that no doubt, after the death of the deceased employee receiving pension, his widow would be entitled to a family pension, but there are facts which will have to be verified, including the fact as to how many class I legal heirs were left behind by the deceased parents before any such payment could be made.

4. On being asked, the learned counsel for the applicant submits that the DRM, Malda Division under Eastern Railway (to whom the representation at Annexure A/3 is addressed) will decide the matter.

5. Since representation in this regard is still pending, this application is disposed of by directing respondent No. 3, DRM,



Eastern Railway, Malda to consider the representation as well the facts mentioned in this application, and after making such enquiry, as he may deem fit about the eligibility of the applicant to receive due family pension, as claimed, to dispose of the representation within a period of three months of the receipt of a copy of this order and copy of this application with Annexures. The applicant is also directed to provide to the respondent No. 3 a copy of this order along with copy of this application with Annexures, within a fortnight of the receipt of a certified copy of this order, also giving a list of class I heirs, with full particulars, of his deceased parents.

6. With the aforesaid directions, this application is disposed of. There shall be no order as to the costs.



[P.K. Sinha] V.C.

/cbs/