

1.

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA

OA No.382 of 2006

Date of order : 7<sup>th</sup> July, 2006

C O R A M

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

Smt. Shanti Devi ..... Applicant

Vrs.

Union of India & Ors. ..... Respondents.

Counsel for the applicant : Shri A.N.Jha

Counsel for the respondents : Shri Mukundji, 1d. SC

O R D E R [ ORAL ]

Justice P.K.Sinha, VC :-

Heard both sides. The applicant is the wife of one Sukhdeo Mahto, who was an employee in the Railways. Shri Mahto had superannuated from service and was receiving pension from the establishment. It is claimed that after taking pension of March, 2005, the husband of the applicant went to New Delhi for medical treatment but since then he was missing w.e.f. <sup>despite</sup> 2.5.2005 and best efforts, he could not be located. An F.I.R. was



lodged on 2.5.2005 at Pandav Nagar Police Station, New Delhi [Annexure-3].

2. The learned counsel for the applicant points out a circular of the Railway dated 19.9.1986, a copy of which is at Annexure-A/6, which relates to grant of retiral benefits to such missing employees, and it is submitted that since the applicant has been missing now for more than one year and for which an FIR was also lodged, the applicant was entitled for family pension. It is submitted that for that the authorities were also moved for payment of arrears of pension vice representation at Annexure-A/4. Her application was also forwarded by the competent authority as per Annexure-A/5.

3. The reliefs sought are to direct the respondents to pay amount of pension or of family pension on and from April, 2005, and the arrear with interest.

4. Shri Mukundjee, ld. SC for the respondents agrees that when an application is pending before the authorities, they may be given an opportunity to dispose that of, but after conducting an inquiry about the veracity of the claim of the applicant about missing of the husband.

5. This application is, therefore, disposed of by directing the Respondent No.3, the Divisional Railway Manager, E.C. Railway, Samastipur Division,

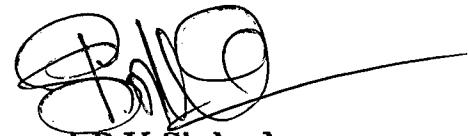


3.

Samastipur to look into the matter and consider the representation of the applicant as also to treat this application as further representation of the applicant and to take a decision in the matter within four months of the receipt of a copy of this order, by recording a reasoned order. The respondent no.3 for this may make an inquiry as he may deem fit.

6. The applicant is also directed to hand over a copy of this order along with a copy of this application, with annexures, to the Respondent No.3 within fifteen days of receipt of the certified copy of this order.

7. With the aforesaid directions, this O.A. stands disposed of.



[ P.K.Sinha ]  
Vice-Chairman

mps.