

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

O.A. No. 375/2006

Date of Order: 05/07/2006

C O R A M

HON'BLE MR. JUSTICE P.K. SINHA, VICE-CHAIRMAN

Mostt. Munakiya Devi, Wife of Late Manraj Sah, Resident of Village – Milki, P.O./P.S.- Minapur, District- Muzaffarpur.

..... Applicant.

-By Advocate : Shri M.P. Dixit.

-Versus-

1. The Union of India through the General Manager, E.C. Railway, Hazipur.
2. Chief Personnel Officer, E.C. Railway, Hazipur.
3. The Divisional Railway Manager, E.C. Railway, Samastipur.
4. The Senior Divisional Personnel Officer, E.C. Railway, Samastipur.
5. The Divisional Financial Manager, E.C. Railway, Samastipur.

..... Respondents.

-By Advocate : Shri Mukundjee, Standing Counsel for Railways.

O R D E R

Justice P.K. Sinha, VC:- Heard both sides.

In the circumstances of the case, this application is being



disposed of at this stage.

2. This application has been filed by the applicant Mostt. Munakiya Devi for directing the respondents to grant/accord family pension in favour of the applicant ,whose husband Late Manraj Sah, who was working in the Railways and getting pension since the year 1957, w.e.f. the he date of his death (10.11.1992).

3. A copy of the PPO is at Annexure A/1 in which the column of family pension is vacant though the photograph of the deceased employee and his wife is affixed thereupon.

4. It is also submitted that for this the applicant had filed several representations (Annexure A/4 series) including the proforma (Annexure A/3) for the same. It is also submitted that no decision upon these representations has been communicated as yet. Shri Mukundjee, learned Standing Counsel for the respondents firstly pointed out that the applicant's husband expired in the year 1992 , but for the first time she came before the Tribunal in the year 2006. However, grant of family pension has a recurring cause of action,month to month. Hence, on this account the application cannot be said to be time barred.

5. The representations of the applicant, as claimed by her, are pending with the authorities. It is better that these representations are first decided and disposed of by the concerned authority. The authority



concerned, if he so likes, may make a preliminary enquiry with regard to the genuineness of the applicant's claim, which may also be gathered from the official records, including the PPO that had been issued to the deceased husband.

6. In that view of the matter, respondent no. 3, the Divisional Railway manager, EC Railway, Samastipur is directed to consider the representations pending including this application, also treating this as further representation, and pass a speaking order within three months of receipt of a copy of this order. If allowed, the legally payable arrears may also be paid within two months thereafter.

7. The applicant is directed to produce a copy of this order as also of the application with annexures, before the respondent no. 3 within 15 days of receipt of the certified copy of the order.

8. With the aforesaid directions, this application is disposed of.



[P.K. SINHA]

VICE-CHAIRMAN

SRK.