FORM NO. 21

(*See* rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ...BENCH

OA/TA/RA/CP/MA/PT ...1121/87... of 20..... ~~TA No~~

Mrs. M. Collett .....Applicant(S)

Versus

U.O.I. & Ors .....Respondent(S)

INDEX SHEET

Serial No.	DESCRIPTION OF DOCUMENTS	PAGE
1.	Check list	A1 to A2.
2 -	order sheets	A3 to A4
3 -	Terminal judgement dt 2/88	A5 to A8.
4	Copy of petition / Annexure.	A9 to A46.
5.	Power / M.P. No ~~[illegible]~~ 371/93.	A47 to A48.
6 -	Counter Affidavit	A49 to A53.
7.	Rejoinder reply / Affidavit	A54 to A64.
8 -	Notice	A65
9	Order sheet.	A66 to A68.
10	Judgement order dt 18-5-94.	A69 to A72.

Certified that the file is complete in all respects.

This file seems B/C. Decided case, discharged.

Signature of S.O. 18/7/94

Signature of Deal. Hand

C. A. No. [redacted]

28/4/94

Hon'ble Mr. S. N. Prasad - J.M.

Shri. V. D. Shukla, Learned Counsel for the applicant is present. Learned Counsel for the respondents is not present. List this case on 10/5/94 for hearing & disposal. before single member Bench as per order dated 28.4.94 passed by Division Bench.

J.M.

Admit

OR

Pleadings have already been completed. Submitted for hearing before the Hon'ble Single Bench

10/5/94

Hon. Mr. V. K. Seth, A.M.

~~Learned~~ Shri V.D. Shukla learned Counsel for the applicant & Shri Anil Srivastava learned Counsel for the respondents are present. Heard the arguments of the parties. Judgment dictated separately.

A.M.

15/3/94

Hon. Mr. S.N. Prasad, J.M.
Hon. Mr. V.K. Seth, A.M.

Counsel for the parties are present. Counsel for the respondents seeks adjournment. List this case on 31/3/94 for hearing & disposal.

A.M. J.M.

31.3.94 No sitting of D.B. Adjourned to 26.4.94

Reg

O.R.

C.A. & R.A. have already been filed. Pleadings complete.

26.4.94

Hon'ble Mr. S.N. Prasad J.M.
Hon'ble Mr. V.K. Seth, A.M.

On the request of both parties Counsel adjourned to 28.4.94

A.M. J.M.

28/8/94

Pleadings are complete. Submitted for hearing.

25/9/94

C.A. No. 121/87

17.8.93

No sitting of D.B. adj
to 22.9.93

22/9/93

Hon Mr. S.N. Prasad, J.M.
Hon Mr. V.K. Seth, A.M.

Shri V.D. Shukla, learned counsel for the applicant is present. He seeks and is allowed two weeks time to file rejoinder. List this case on 5-11-93 before D.R.(J) for completion of pleadings.

A.M. J.M.

OR
CA not filed.
1/11

OR
CA not filed
RA filed
4.11.93

OR
CA not filed
RA filed.
8/12

8.11.93 Both the parties are present. Counsel for respondents state that he has filed CA. But counter is not in record. So respondents are directed to file counter before PR on 2-12-93

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW
.....

Date of Decision: 10.1.9

Original Application No. 1121 of 1987

Mrs. M. Collett ..... Applicant

Versus

Union of India through
the General Manager,
North Eastern Railway,
Gorakhpur and three others ..... Respondents

Shri V.D. Shukla .... Counsel for Applicant

Shri Anil Srivastava ... Counsel for Respondents

Hon'ble Mr. V.K. Seth, Admn. Member

In this Original Application the applicant has prayed for quashing the impugned order dated 10.2.1987 as communicated vide letter dated 16.2.1987 of the D.R.M., Lucknow (Annexure-13 page27 of the O.A.) and issue of directions to the respondents to grant her family pension.

2. The brief facts of the case as furnished in the O.A. are that the applicant's husband late Shri O. Collett joined service under the Railway department on 21.2.1957 and died while in service on 11.11.1973 leaving behind him the applicant, two sons and one daughter. The Railway Board -- introduced the pension scheme on 16.11.1957; and according to the applicant her late husband remained a provident fund optee from his date of appointment to the year 1960 or in the year 1962 he opted for pension.

3. The applicant agitated the matter before the Pension Adalat, but her claim was rejected. She was finally communicated --- the decision of Railway Board vide impugned order dated 10.2.1987 as communicated by the D.R.M., Lucknow.

4. Being aggrieved with the decision of the respondents the applicant --- approached this Tribunal by filing of O.A. No. 1121/87. Her application was however dismissed by orders dated 9.2.88 of this Tribunal. The applicant, therefore, filed a Review Petition which was decided by the orders of this Tribunal dated 26.8.88, the operative portion of which reads as below :

> " For the reasons discussed above we are of the view that there is error in the Tribunal's order dated 9.2.1988 in holding that the application is barred by limitation and order dated 9.2.88 is liable to be set aside and the same is set-aside. We consider that this is a fit case for admission, and we order accordingly."

5. In pursuance of the above order the case has been heard on merits.

6. The respondents have opposed the claim of the applicant mainly on the grounds that the applicant's husband never opted -- for -- pension in his life time. It is further stated that the dues of the applicant have already been paid on the assumption that her late husband was a provident fund optee. Learned counsel however could not produce any documentary evidence in this behalf. The learned counsel however fairly conceded that the reason of applicant could have prevented his option for the Pension Scheme at any time before his death.

7. I have carefully considered the records of the case and [illegible] the right to be [illegible] advanced by the learned counsel for the parties.

8. The applicant has categorically stated that her late husband opted for the pension scheme in 1969 though she has not been able to produce any documentary evidence in this behalf. The learned counsel for the applicant states that after the death of her husband it was not practicable for the applicant to locate all the papers in regard to the service matters of her late husband. It is also noted that the respondents have not challenged the veracity of annexures 6 to 9 filed by the applicant with his O.A., these annexures show that bonus was contributed to the provident fund account of the late husband of the applicant in the years 1959-60, 1963-64 & 1969-70; and according to the learned counsel for the applicant during the entire period from 1959-60 to 1969-70 which fact has not disputed by the respondents. However, subsequent provident fund account for the years 1969-70, 1970-71, 1971-72 and 1972-1973 i.e. annexures 6 to 9 show that no such bonus contribution was made in the provident fund account of the late husband of the applicant. The learned counsel for the respondents fairly admitted that in the case of pension opteee no bonus contribution was required to be made which fact lends credence to the claim of the applicant. The learned counsel for the applicant invited attention to the pension scheme circulated vide railway board's of 20.7.1972 (annexure-10 of O.A.) and particularly to para 3 (b) thereof.

The said [illegible]

"Persons who are not to be granted the benefit of family pension will not be required to contribute out of their emoluments. Similarly no demand for refund of contribution already made by pensioners will be entertained by the Government, and".

9. I, however, find that the above proposition is not relevant in the present case. Nevertheless I find that in the light of the material facts and the above observation the applicant's claim has merit. In the interest of equity and justice it is accordingly ordered that the applicant be given family pension as per Railway Board's circular dated 26.7.1986 (Annexure-10 to the O.A.). The respondents will, however, be free to adjust according to rules, overpayment, if any, made to the applicant on the assumption that the late husband of the applicant was a provident fund opting. The above directions shall be complied with within a period of six months from the date of communication of this judgment and order.

10. The O.A. is disposed of in above terms. In the circumstances of the case there will be no order as to costs.

Adm. Member

Lucknow; Dated 10.1.94
SNEH/-

To,

The Deputy Registrar
C.A.T. Lucknow
Bench, Lucknow

Sir - 1121/87. Mrs. M. Collett. vs Union of India f.f. 27.12.93. CAT DR

The above noted case was fixed on 27.12.93 for the complete of pleading but some counsel be part of the date fixed. Now the file has been place end. Kindly fix the date

Date 12/12/94

Submitted
[illegible]
7/12/94

CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. 1121 of 1987

APPLICANT (s) Mrs. M. Collett

RESPONDENT(s) U.O.I. through G.M., N.E. Rly. Gorakhpur & 3 others

Particulars to be examined	Endorsement as to result of Examination
1. is the appeal competent ?	Yes
2. (a) Is the application in the prescribed form ?	Yes except for reason that the facts of case have been given as Annex I (1/4-5/4)
(b) Is the application in paper book form ?	Yes
(c) Have six complete sets of the application been filed ?	Yes 6 sets filed
3 (a) Is the appeal in time ?	Yes
(b) If not, by how many days it is beyond time ?	—
(c) Has sufficient case for not making the application in time, been filed ?	—
4. Has the document of authorisation/Vakalatnama been filed ?	Yes, with Court fee stamp of Rs 1=50
5. is the application accompanied by B.D./Postal-Order for Rs. 50/-	Yes
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?	Yes
7 (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	Yes
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numberd accordingly ?	Yes

5.11.92
D.R.

None is present for Both the parties and Counter Res not been filed Respondent is ordered to file Counter by 30-12-92

30.12.92
D.R

Applicant is present. Counter has not been filed. Respondent to file counter by 11.2.93.

12/2/93
D.R.

Applicant is present C.A. has not been filed. Respondent to file C.A. by 20/4/93.

CA has not been filed
SFO before DR(J)
10/2/93

92
CA not filed.
MP no 371/93 has been moved for extension of time
SFO
12/4/93

[illegible]

[illegible] 7.11.91

[illegible] Hon'ble Justice [illegible]
Hon'ble Mr. [illegible], AM

[illegible] applications for condonation of delay

List up for admission on [illegible]

AM

JM

4.2.92 Hon'ble D.S. Misra AM.
Hon'ble L.S. Sharma JM

Heard the learned counsel for the applicants.

Order is reserved.

AM

JM

[illegible]

[illegible] 26.8.91

[illegible] 37/90

26/8/91.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD

O.A. No. 1121 1987
~~T.A. No.~~

DATE OF DECISION 7/2/89

Mrs [illegible] Gupta Petitioner

Shri V D Shukla Advocate for the Petitioner(s)

Versus

Respondent

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. D S Misra Am

The Hon'ble Mr. G S Sharma Jm

1. Whether Reporters of local papers may be allowed to see the judgement? ✓
2. To be referred to the Reporter or not? ✗
3. Whether their Lordships wish to see the fair copy of the Judgement? ✗

.....

Sahu/-

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

Registration No. 1121 of 1987

Mrs. M.Collett applicant.

Versus

Union of India and others Respondents.

Hon'ble D.S.Misra,A.M.

Hon'ble G.S.Sharma,J.M.

(By Hon'ble D.S.Misra)

This is an application under Section 19 of the Administrative Tribunals Act XIII of 1985 against the order dated 10.2.1987 of the Railway Board. According to the applicant, she is the widow of late Sri G.E.Collett EX Assistant Driver of the North Eastern Railway; that Sri G.E.Collett died on 14.11.1973 while in service leaving behind the applicant , two major sons and one married daughter; that late Sri M.E. Collett was a State Railway Provident Fund optee and he opted for pension in the year 1969; that after the death of her husband,the applicant was not paid family pension to which she was entitled despite representations and personal cotacts to the railway authorities concerned; that on 30.4.85, that the Hon'ble Supreme Court passed an order in favourr of widows of Railway Servants who entered railway service on pensionable establishments on or after 1st Jan.1964 or who were in service on 31.12.63 and came to be governed by the provisions of the Family pension Scheme for Railway Employees 1964 allowing them to extend

the benefit of family pension; that the Railway Board on the basis of the aforesaid orders of Hon'ble the Supreme Court issued a letter dated 26.7.85 to all General Managers of Indian Railways for information and necessary action(copy annexure 10);that the applicant applied to the Divisional Railway Manager,N.E.Railway Lucknow and the Secretary Railway Board New Delhi on prescribed form with all necessary documents as required by the said application on 20.3.86, but she got no response from either despite issue of reminders; that the Divisional Railway Manager(P)N.E.Railway vide his letter dated 11.2.87(annexure 12) replied to the applicant that her case has been referred to the General Manager,N.E., Railway Gorakhpur for obtaining approval of the Railway Board New Delhi;that Divisional Railway Manager(P) Lucknow subsequently replied to the applicant vide his letter dated 16.2.1987(copy annexure 13);that the railway board had rejected her claim for pension vide their letter dated 10.2.1987;that the applicant is being deprived of her right of family pension for no fault of her own; that the cause of action accrued to the applicant against the respondents on 14.11.1973 and on subsequent dates when she was denied payment of family pension and finally on 16.2.1987 when the Divisional Railway Manager intimated the applicant that her claim for pension had been rejected by the Railway Board on 10.2.1987.

2.We have heard the arguments of the learned counsel for the applicant on the question of limitation. The applicant has based her claim on the instructions of the Railway Board contained in their letter dated 20.7.85(copy annxure 10). The

relevant portion of the instructions are contained in para 5 of the Circular. On a careful examination of this circular we find that the contention of the applicant that this circular has conferred any right on persons of her category to be entitled to family pension is not correct. The applicant has based her claim on the alleged option given by her husband in the year 1969 while he was in the service of the respondents. There is nothing to indicate that inspite of such an option having been exercised by the deceased husband of the applicant before his death, the respondents did not accede to his request. The applicant appears to have kept quiet in the matter upto the year 1986 when her case for grant of family pension was considered in the first open house conference for settlement of pending dues of ex employee(first pension adalat) held on 1.10.1986. The conference decided to refer the matter for relaxation from the railway board for accepting the applicant's pension option exercised on 26.9.86. No copy of the so-called pension option dated 26.9.86 has been filed by the applicant. It is with reference to the recommendation of the first open house conference for settlement of pending dues of ex-employees held on 1.10.1986 that the railway administration regretted to accede to the request of the applicant at "this distant date". Learned counsel for the applicant contended that the limitation for the consideration of this application should be counted from the date of communication of the above mentioned order of the railway Board. We have considered the matter and we are of the opinion that the above mentioned order of the railway board does not relate to the

rejection of a right conferred on the applicant by any law, rule, or orders of the competent authority concerned with the matter under consideration. The applicant has failed to prove that the deliberations of the open house conference for settlement of pending dues of ex employees organised by the Railway Administration have any statutory sanction and the recommendations or decisions of this conference have at any statutory value. In our opinion the recommendations of the conference have no statutory value and the rejection by the railway board of the recommendation of the conference does not amount to the denial of any right accruing to the applicant. Learned counsel for the applicant has filed a photo copy of a Division Bench judgment of Rajasthan High Court in **State of Rajasthan Vs. Retired Contributory Provident Fund Holders' Association Jodhpur,** decided on 11.3.87. In this case it has been held that CPF Holders should be given equal treatment and they could not be given separate classification. In our opinion this case law does not help the applicant who has failed to establish that her husband had acquired the right of a pensioner before his death. In the absence of any evidence produced by the applicant, it is not possible to rely on her allegation that her husband had opted for pensionary benefits before his death. In any case this question can not be allowed to be agitated after this inordinate delay of about 14 years.

For the reasons mentioned above, we are of the opinion that it is a much belated application and the same is dismissed at the admission stage.

A.M. 9.2.88 J.M.

JS/9288

(A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH, ALLAHABAD

CT. NO.....

BETWEEN

M. COLLETT..... APPLICANT

A N D

UNION OF INDIA & OTHERS RESPONDENTS

Details of Index: Item 12 of form no. 1 (application)

ANNEXURE NO. 22

Sl. No.	Details of documents enclosed	Annexure No.	Pages From	Pages To
1.	Crossed Indian Postal Order No. DD. 495821 dated. 9/1/87 for Rs. 50/- from Sundarbagh Post Office, Lucknow payable at Central Post Office, Allahabad.	-	-	-
2.	Application dated 12.11.1987	...	1	3.
3.	Facts of the case (Details of item 6 of the application)	1	.4	.6.
4.	Details of remedies exhausted (Item No. 9 of the application)	2	.7.	.8.
5.	Death certificate of Late Sri G.E. Collett.	3	.9.	...
6.	North Eastern Railway Statement of S.R.P.F. Institution Account ending 31.3.1960.	4	.10	...
7.	North Eastern Railway Statement of S.R.P.F. Institution Account for 1968-69, ending March, 1969.	5	.11.	...
8.	N.E.Railway Statement of SRPF Account for 1969-70 ending March, 1970.	6	12	...
9.	N.E.Railway Statement of SRPF A/c for 1970-71 ending March'71	7	.13	...
10.	N.E. Railway Statement of SRPF A/c for 1971-72 ending March, 1972	8	.14	...
11.	N.E. Railway Statement of SRPF A/c for 1972-73 ending March-1973	9	.15	...
12.	Copy of Railway Board's letter no. E(E)III/P5/PM1/19 dt. 25.7.85 from Secretary Railway Board to All General Manager's Indian Railways & Others.	10	16	18
13.	Copy of Application dated 20.3.86 by Mrs. M. Collett to D.R.M., N.E.R., Lucknow and Secretary, Railway Board.	11	.19	25
14.	Copy of letter no. E/IV/211/ Pension/ dt. 11.2.87 from D.R.M. (P) lucknow to Smt. M. Collett.	12	26	...
15.	Copy of letter No. E/IV/211/Pension Adalat dt. 16.2.87 from DRM (P) Lkn. to Smt. M. Collett.	13	27	...

M. Collett.

Contd...P/2

(B)

A/10

16. Copy of application dt. 26.11.73 from Smt. M. Collett to DRM, N.E.R. Lucknow.		...	...
	14	28	...
17. Copy of Application dt. 5.4.74 from Mrs. M. Collett to D.R.M., N.E. Railway, Lucknow.	15.	29	...
18. Copy of application dt. 10.11.75 from Mrs. M. Collett to D.R.M., N.E. Railway, Lucknow Zone.	16	30	...
19. Copy of application dated 21.3.86 from Mrs. M. Collett to D.R.M., N.E. Railway, Lucknow.	17	31	...
20. Copy of application dated 21.3.86 from Mrs. M. Collett to Secretary Railway Board, New Delhi	18	32	...
21. Copy of representation dated 15.10.86 from Mrs. M. Collett to DRM, N.E. Railway Lucknow.	19	33	34
22. Copy of representation dated 19/20.10.86 from Mrs. M.Collett to D.R.M. N.E. Railway Lucknow.	20	35	...
23. Copy of representation dated 26.1.87 from Mrs. M. Collett to D.R.M., N.E.Railway Lucknow.	21.	36	...
24. Details of index	22	A	B
25. List of enclosures	Same as in index.		
26. Vakalatnama	23	37	...

LUCKNOW

DATED: .....

M. Collett

SIGNATURE OF APPLICANT

Reg No 1121 of 1987

20/11/87

For examine

Listed for 15/12/87

20/11/87

(1)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD

(Form No. 1)

C.T.No.....

APPLICATION UNDER SECTION 19 of THE ADMINISTRATIVE TRIBUNAL ACT-1985

For use in Tribunal's Office

Date of filing:
Date of receipt by post:

Registration No.

Signature
Registrar.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD

B E T W E E N

Mrs. M. Collett.....Applicant.

A N D

1. The Union of India,
Through the General Manager,
North Eastern Railway,
GORAKHPUR.

2. The Chairman,
Railway Board, through the Secretary,
Ministry of Rail, Rail Bhawan,
NEW DELHI.

3. The General Manager,
North Eastern Railway,
GORAKHPUR

4. The Divisional Railway Manager,
North Eastern Railway,
LUCKNOW

..... Respondents.

1. Details of Applications:

1. Particulars of Applicant:

i)	Name of Applicant	:	Mrs. M. Collett.
ii)	Name of the Husband	:	Late Sri G. E. Collett.
iii)	Designation and Office in which employed	:	X
iv)	Office Address	:	X
v)	Address for service of all notices	:	C/o Mrs. A.D. Cunha 49, Chakkarpura, Paper Mill Colony, LUCKNOW.

2. Particulars of the Respondents:

i)	Name and/or designation of the respondents	:	1. The Union of India through the General Manager, North Eastern Railway, GORAKHPUR

Contd...P/2.

M. Collett.

2. The Chairman,
Railway Board, through the Secretary,
Ministry of Rail,
Rail Bhawan,
NEW DELHI.

3. The General Manager,
North Eastern Railway,
GORAKHPUR

4. The Divisional Railway Manager,
North Eastern Railway,
LUCKNOW

ii) Office Address of the respondents : As above.

iii) Address for service of all notices : As above.

3. Particulars of the order against which application is made:

The application is against the following orders:

i) Order No. : Railway Board's letter no. E(G)87/PNI/8

ii) Date : 10.2.1987

iii) Passed by : The Railway Board.

iv) Subject in brief : Grant of Family Pension.

4. Jurisdiction of the Tribunal:

The applicant declares that the subject matter of the order against which she wants redressal is within the jurisdiction of the Tribunal.

5. Limitation:

The Applicant further declares that the application is within the limitation prescribed in section 21 of the Administrative Tribunal Act-1985.

6. Facts of the case:
The facts of the case are given below : Kindly see the facts as detailed in annexure 1.

7. Relief(s) sought:
In view of the facts mentioned in para 6 (annexure no. 1) above, the applicant prays for the following relief(s):

1. That it be declared that the impugned order no. E(G)87 PNI/8 dated 10.2.87 of Railway Board are illegal unconstitutional, abbitrary, perverse, inoperative and ineffective and are liable to be set aside on the grounds as detailed in paras 4, 12 & 13 of annexure no. 1 to this application

Contd.....P/3

M. Collett

(3)

2. The opposite parties no. 2,3 & 4 be directed to grant family pension on the grounds as detailed in paras 9,14 & 15 of annexure no. 1 to this application and also on grounds of equity with all privilege and benefits.

3. Any other relief be allowed which the Hon'ble Court deems fit and Proper.

8. Interim order if prayed for: Nil

9. Details of the remedies exhausted: The applicant declares that she has availed of all the ~~xxxxxxx~~ remedies available to her under the relevant service rules etc. (Kindly peruse details of the remedies in annexure no. 2.)

10. Matter not pending with any other court etc: The applicant further declares that the matter regarding which this application has been made is not pending before any court of law or any other authority or any other bench of the Tribunal.

11. Particulars of Bank draft/Postal orders in respect of the Application fee:

i) Name of the Bank on which drawn: x
ii) Demand Draft No. x
or
i) Number of Indian Postal Orders DD 5 495821
ii) Name of the issuing Post Office Sundarbagh, Lucknow
iii) Date of issue of postal orders 9/11/87
iv) Post office at which payable Central Post office, Allahabad.

12. Detail of Index: An index in duplicate containing the details of the documents to be relied upon is enclosed (Annexure no. 22)

13. List of enclosures: Kindly see annexure no. 22

In verification:

I, Mrs. M. Collett, w/o late Sri G.E. Collett aged about 60 years resident of 49 chakkarpura, Paper Mill Colony, Lucknow do hereby verify that the contents from 1 to 13 are true to my personal knowledge and belief and that I have not suppressed any material facts.

LUCKNOW
Dated 12.11.1987.

M. Collett
SIGNATURE of the Applicant

The Registrar,
The Central Administrative Tribunal,
Allahabad Bench,
ALLAHABAD.

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH, ALLAHABAD

CASE NO...../1987.

B E T W E E N

M. COLLETT..... APPLICANT

&

THE UNION OF INDIA & OTHERS.. RESPONDENTS.

ANNEXURE NO. 1

Facts of the case as required under Para 6 of the Application:

1. That the applicant is the widow of Late Sri G.E. Collett, Ex. Asstt. Driver (Diesel), Anwarganj, Kanpur of the North Eastern Railway.

2. That Late Sri G.E. Collett who was born on 30.3.22, was initially appointed on 21.10.1947 as Electric fitter in scale of Rs. 75-110 redesignated as Driver Asstt. (Diesel) in scale Rs. 75-110 vide G.M.(P)'s letter no. E/59/Mech/0/1(ix) dated 16.4.70. He died while in service on 14.11.1973 (copy of death certificate is enclosed as annexure no. 3 to this application) leaving behind him the applicant, two major sons and one married daughter as detailed in the application.

3. That the pension scheme was introduced first of all in the Railways on 16.11.1957 after the date of appointment of Late Shri G.E. Collett in the railway. Naturally, therefore, he was a State Railway Provident Fund optee in the beginning.

4. That he remained a fund optee right from his date of appointement to the year 1969, provident fund slips showing his account no. 295567 his annual subscription and bonus beginning from the year ending 31st March 1960 (Annexure no. 4) to subsequent years ending 31st March, 1969 (Annexure no. 5) are enclosed as a proof that he was a SRPF optee upto March 1969. In the year 1969 he opted for pension and accordingly his P.F. slips for the year ending 1969-70, 1970-71, 1971-72 and 1972-73 showing only his own subscription to the Provident fund and no bonus from the railway filed herewith as annexures nos. 6, 7, 8 and 9 to this application. It is sufficient proofs that he was pension optee since 1969.

5. That after his death the applicant was not paid 'Family Pension' to which she was entitled despite representations and personal contacts to the railway authorities concerned.

6. That on 30.4.1985 the Hon'ble Supreme Court passed order in favour of widows of railway servants who entered in railways service on pensionable establishment on or after 1st January 1964 who were in service on 31.12.63 and come to be governed by the provisions of the family pension scheme for Railway Employees 1964 but allowing them to extend the benefit of family pension.

Contd...P/2.

M. Collett.

7. That Railway Board on the basis of the aforesaid orders of Hon'ble Supreme Court issued a letter no. F(E)III/PS/PNI/19 dated 26.7.85 to all General Managers of Indian Railways for information and necessary action. A copy of the said letter is enclosed as annexure no. 10.

8. That the applicant applied to the Divisional Railway Manager, North Eastern Railway, Lucknow and the Secretary, Railway Board, New Delhi on prescribed form with all necessary documents as required by the said application on 20.3.1986 (copy enclosed as annexure no. 11), the original is in the custody of D.R.M. North Eastern Railway, Lucknow. But she got no response from either despite issue of reminders.

9. That the family pension would have been allowed to the applicant on the basis of the option which her husband exercised in 1969. But it has not been granted till this date even after the issue of the aforesaid Hon'ble Supreme Court's orders and issue of Railway Board's circular dated 26.7.1985 aforesaid.

10. That the Divisional Railway Manager (P) North Eastern Railway Lucknow in vide his letter no. E/IV/211/Pension ~~Adalat~~ dated 11.2.87 (copy enclosed as annexure no. 12) replied to the applicant that her case had been referred to the General Manager, North Eastern Railway, Gorakhpur for obtaining approval of Railway Board, New Delhi.

11. That the Divisional Railway Manager (P) North Eastern Railway Lucknow in subsequently replied to the applicant vide his letter no. E/IV/211/Pension Adalat dated 16.2.87 (copy enclosed as annexure no. 13) that the Railway Board had rejected her claim for pension vide their letter no. E(G)87PN 1/8 dated 10.2.87 at that distant date.

12. That the applicant is being deprived of her right of Family Pension for no fault of her own. If the option for pension exercised by her husband in the year 1969 is not available with the Divisional Railway Manager, North Eastern Railway, Lucknow it is not the fault of the applicant and she should not be made to suffer for no fault of her own. Moreover, had her late husband not opted for pension how could the Divisional Accounts Officer, N.E. Railway Lucknow in score out the Govt. contribution portion in the P.F. slips issued for the year ending 1969-70, 1970-71, 1971-72 and 1972-73 (annexures no. 6, 7, 8 and 9).

13. That even if it be taken, which the applicant does not admit, that her husband exercised no option for pension in his life time the dates 16.7.1964, 30.9.1964, 3.3.66 30.6.66, 9.10.70, 21.10.72 and 30.1.73 fixed for exercising options for pension by the Railway Board vide their letter nos. F(P)63PNI/40 NDLS dated 10.2.1965, F(P) 64 PN-I/17 dated 12.8.64, F(P)65/PNI/41 dated 26.5.66, F(P)65PN-I/41 dated 3.3.1966, F(E)III 68 PN-I/37 dated 9.10.70, F(E) III 71/PN-I/3 dated 15.7.72 and F(E) III-72 PN-1/19 dated 18.12.72, if any other, to change over from S.R.P.F. scheme to pension scheme are quite illegal, invalid, arbitrary, against the article 14 & 16 of the Constitution of India.

Contd.....P/3.

M. Collett

14. That pension is not by way of charity or an ex gratia payment or a purely social welfare measures, or a bounty but may fairly be said to be in nature of a 'right' which is enforceable by law.

15. That cause of action accrued to the applicant against the respondents on 14.11.1973 and on the subsequent dates when she was denied payment of Family pension on 16.7.64, 30.9.64, 3.3.66, 30.6.66, 9.10.70, 21.10.72 and 30.1.73 and any other dates, if any, when Railway Board illegally, arbitrarely and unconstitutionally introduced these dates in respect of option to pension from C.P.F. status and finally on 16.2.87 when the Divisional Railway Manager intimated the applicant that her claim for pension had been rejected by the Railway Board on 10.2.87.

Lucknow.

Dated: 12.11. 1987

M. Collett
(SIGNATURE)
applicant

(7)

THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH, ALLAHABAD

CASE NO...../1987.

BETWEEN

M. COLLETT ..... APPLICANT
& THE UNION OF INDIA & OTHERS RESPONDENTS.

ANNEXURE NO. 27.

Details of remedies exhausted as per item 9 of the application.

1. That after the death of Sri. G.E. Collett, Applicant's husband on 14.11.1973 the applicant moved an application dated 26.11.1973, copy enclosed as annexure no. 14 to the Divisional Railway Manager, North Eastern Railway, Lucknow under whom her husband was employed, for payment of his settlement dues and family pension as she was passing her days in distress.

2. That getting no response from him the applicant moved another application dated 5.4.1974, copy enclosed as annexure no. 15, for making payment of her husband's settlement dues and family pension at an early date as she was running penniless and had no other source of income to maintain her living.

3. That the applicant waited for the reply from the Divisional Railway Manager, but when she received no response from him she decided to seek an interview with him with an application dated 10.11.75, copy enclosed as annexure no. 16. She attended his office and there she was told that she would get a reply of her petition by her home address. But despite long patience she could receive no reply from him.

4. That on 30.4.1985 the Hon'ble Supreme Court passed an order in favour of the widows of the railway servant who entered in railway service on pensionable establishment on or after 1st January 1964 and for those who were in service on the 31.12.63 and come to be governed by the provisions of the family pension scheme for Railway employees 1964 contained in the Railway Ministry's letter no. F(P)63-PN-1/40 dated 2.1.64 allowing them to extend the benefit of family pension.

5. That the Railway Board on the basis of aforesaid orders of the Hon'ble Supreme Court issued a letter no. F(E)III/PS/PNI/19 dated 26.7.85 (copy encosed as annexure no. 10) to all General Managers of Indian Railways for information and necessary action in respect of granting family pension to the widows of deceased railway employees.

6. That the applicant applied to the Divisional Railway Manager, North Eastern Railway, Lucknow & the Secretary Railway Board, New Delhi on prescribed form with all necessary documents as required by the said application on 20.3.86 alongwith covering letter dated 21.3.86 copy enclosed as annexure no. 17 and 18 each respectively, to the application. But she got no response from either.

7. That the applicant issued reminders dated 15.10.86, 20.10.86 & 29.1.87 to the Divisional Railway Manager, North Eastern Railway Lucknow, copy enclosed as annexure no. 19, 20 & 21, but to no effect.

8. That the Divisional Railway Manager, (P) North Eastern Railway Lucknow vide his letter no. E/IV/211/PENSION ~~ADALAT~~/ dated 11.2.87 copy enclosed as annexure no. 12 replied to the applicant that her case had been referred to the General Manager, North Eastern Railway, Gorakhpur for obtaining approval of Railway Board, New Delhi.

Contd...P/2.

M. Collett.

9. That later on the Divisional Railway Manager (P) North Eastern Railway Lucknow, in replied to the applicant vide his letter no. E/IV/211/Pension Adalat dated 16.2.87, copy enclosed as annexure no. 13, that the Railway Board, had rejected her claim for pension vide their letter no. E(G)87/PNI/8 dated 10.2.87 at that distant date.

10. That this caused great prejudices to the applicant and she had no other way out but to move this application before the tribunal for redressal of her grievances against the aforesaid orders of the Railway Board.

LUCKNOW

DATED: 12.11.1987

M. Collett.
SIGNATURE OF APPLICANT

In the Central Administrative Tribunal,
Allahabad Bench, Allahabad.

C.T. No.

Between

M. Collett .... Applicant

and

The Union of India and Others... Respondents

Annexure No. 5

(9)

नगर महापालिका, इलाहाबाद

ख.....मृत्यु के सम्बन्ध में

सूचना देने वाले को दिया जावेगा :—

किताब नं०.....21 क्रम संख्या.....8 दिनांक.....

१—मृत्यु का दिनांक तथा समय.....

२—मृत व्यक्ति का नाम तथा पिता, पति या अभिभावक का नाम (विवाहित महिला की दशा में पिता तथा पति दोनों के नाम दिये जाने चाहिये).....

३—लिंग.....

४—जाति तथा व्यवसाय.....

५—उम्र.....

६—मृत्यु का कारण, जिसे किसी चिकित्सा व्यवसायी द्वारा उपचार किये जाने की दशा में, ऐसा चिकित्सा व्यवसायी प्रमाणित करेगा.....

७—मोहल्ले का नाम तथा द्वार-पट्टिका (डोर प्लेट) के अनुसार मकान का नं०.....

८—दाह क्रिया करने या दफनाने का स्थान.....

९—चिकित्सा व्यवसायी का नाम, जिसने अन्तिम बीमारी में मृत व्यक्ति का उपचार किया हो.....

१०—सूचना देनेवाले का नाम.....

११—जिस अधिकारी ने सूचना अभिलिखित की हो उसका हस्ताक्षर और दिनांक.....

१२—सूचना देनेवाले का हस्ताक्षर या अंगूठे का चिह्न, उसका पता और शिशु से उसका सम्बन्ध.....

१३—प्रसव के पश्चात् मृत्यु होने की दशा में जनन (डिलीवरी) का दिनांक और समय.....

१४—यदि मृत्यु के समय उसे एक वर्ष से कम रही हो तो बच्चे का जन्म-स्थान (उसे नीका लगा था, या नहीं) स्थानीय जन्म की दशा में) मिडवाइफ के निवास-स्थान का नाम.....

१५—नगर में निवास की अवधि.....

१६—बीमार रहने की अवधि.....

१७—इस प्रकार पहले कितनी बार बीमार हुआ.....

१८—कोई अन्य रोग यदि रहे हों.....

१९—कोई अन्य विशेष बात.....

True Copy
Allahabad

In the Central Administrative Tribunal,
Allahabad Bench, Allahabad.

C.T. No.

Between

M. Collett .... Applicant

and

The Union of India and Others... Respondents

Annexure No. 4

(10)

North Eastern Railway

Ledger Folio No. [illegible]

Statement of State Railway Provident Institution Account.

Deposit account of Shri G. E. Collett J Stores T. No. C/10 Depositor No. [illegible] with the State Railway Provident Fund for and up to the end of the year 31st March, 1960.

N. B.—Special attention is invited to Notes 2 and 3 of this form.

	Subscription. 2		Bonus. 3		Details of with-drawals. 4	Remarks. 5
	Rs.	nP.	Rs.	nP.		
Balance on 1st April, 1959.	[illegible]	[illegible]	[illegible]	[illegible]		
Add—Subscriptions during 1959-60.	36	32	36	32	PROVISIONAL	
Refund of Advance.						
Interest for 1959-60. at the rate of 4% / 3·75% per annum.	1[illegible]7		[illegible]			
Total ...	72	20	71	48		
Less—Withdrawals as per details in column 4.						
Balance on 31st March, 1960.	72	20	71	48	—	

NOTE.—(1) The bonus credited during the year is the bonus allowed on subscriptions from April, 1959, (i. e., on pay for March, 1959) to March, 1960 (i. e., on pay for February, 1960.) The total subscription represents the amounts recovered from his pay from March, 1959 to February, 1960.

(2) The attention of subscribers is drawn to the importance of revising their declaration in case any event has occurred which necessitates revision. If a subscriber has not so far signed the declaration form he should now sign one.

(3) Subscribers should satisfy themselves as to the correctness of the statement and errors should be brought to the notice of the Accounts Officer within six months from the date of its receipt.

You are urged to preserve to this statement for production if required.

Gorakhpur ———— 1960.

for F. A. & Chief Workshop. Accounts Officer.

True Copy Attested

1424—1,00,000—15 7 60

In the Central Administrative Tribunal,
Allahabad Bench, Allahabad.

C.T. No.

Between

M. Collett .... Applicant

and

The Union of India and Others... Respondents

Annexure No. 5

(11)

N.E.R. A.C.A.O. (PF)
Case No. 46

PROVISIONAL

Form No. AC.(G) P. 14
(A. 1328)

North Eastern Railway Ledger Folio No.....

Statement of State Railway Provident Institution Account for 1968–69
C. P. F./N. C. P. F.
(See Notes below)

Declaration executed on.....

P. F. Account No..... Declaration not received.

of Shri/Smt./Kum..... Son/Daughter of .....

Designation..... Station.....

Ticket No..... Department.....Part.....

Showing the position of State Railway Provident Fund for and up to the end of the year ending 31st March, 1969.—

1	Subscription. 2	Bonus. 3	Voluntary Deposits. 4	Details of withdrawal. 5	Remarks. 6
	Rs. p.	Rs. p.	Rs p.	Rs. p.	
Balance on 1st April, 1968					
Add—subscription during 1968–69					
Refund of advance					
Interest for the year below Rs. 10,000 @ 5·10% and above Rs. 10,000 @ 4·80%					
Total					
Less—Withdrawals as per Col. 5					
Balance on 31st March, 1969					

True copy attested.

IMPORTANT—1. The attention of subscribers is drawn to the importance of revising their declarations, in case any event has occurred which necessitates revision. If a subscriber has not so far signed the declaration form, he should sign one row.

2. The acknowledgement to the declaration executed by the member of State Railway Provident Fund should be asked for from the Accounts Officer through his office, if it has not already been received by the member.

Date .....

for F. A. & Chief Accounts Officer
Workshop GKP. IZN.

NOTES.—1. Subscription during the year is for the period from March, (i.e. the pay for March of the previous year paid in April) of the current year to February (Paid in March).

2. The bonus credited to the accounts during the year is the contribution allowed on subscription from April, 1968, (i.e., on pay for March, 1968) to March, 1969. (i.e., on pay for February, 1969).

3. The Voluntary Deposit is the amount recovered from bills for March, 1968 to February, 1969.

4. (a) The interest is allowed at the minimum rate of 4% per annum on the Provident Fund assets of Depositors who were members of the Fund prior to 7th March, 1938 or in such other cases as authorized by the Board. In case of others, interest is allowed at the rate fixed annually; the rate of interest for the year 1968-69 being 5·10% per annum upto Rs. 10,000 and @ 4·80% for excess of Rs. 10,000.

(b) Interest on Voluntary Deposit is also allowed at the same rate as stated in 4(a) above.

5. Subscribers should satisfy themselves as to the correctness of this account and errors should be brought to the notice of the Accounts Officer within six months from the date of its receipt.

1184—1(5,000 [illegible]

In the Central Administrative Tribunal,
Allahabad Bench, Allahabad.

C.T. No.

Between

M. Collett .... Applicant

and

The Union of India and Others... Respondents

Annexure No. 6

NER—1970—20,000—5 12 70

(12)

S/TA & CAO (PF) Case No. 45

PROVISIONAL

Form No. A.C. (G) P. 4 (A. 1823)

North Eastern Railway Ledger Folio No.

Statement of State Railway Provident Institution Account for 1969–70
C. P. F./N. C. P. F.
(See Notes below)

Provident Account No. ..... Declaration executed on .....
Declaration not received.
Shri/Smt. Km. ..... Son/Daughter of .....
Designation ..... Station .....
Ticket No. ..... Department .....

Showing the position of State Railway Provident Fund for and up to the end of the year ending 31st March, 1970.

1	Subscription. 2	Bonus. 3	Voluntary Deposits 4	Total of Bills-Actual. 5	Remarks. 6
	Rs. p.	Rs. p.	Rs. p.	Rs. p.	
Balance on 1st April, 1969 ...					
Add Subscription during 1969–70 ...					
Refund of advance ...					
Interest for the year below Rs. 10,000 @ 5·25% and above Rs. 10,000 @ 4·80%					
Total ...					
Less—Withdrawals as per Col. 5 ...					
Balance on 31st March, 1970 ...					

True Copy
Attested
[illegible]

IMPORTANT—1. The attention of subscribers is drawn to the importance of revising their declarations, in case any event has occurred which necessitates revision. If a subscriber has not so far signed the declaration form, he should sign one row.

2. The acknowledgement to the declaration executed by the member of State Railway Provident Fund should be asked for from the Accounts Officer through his office, if it has not already been received by the member.

Date.....

for F. A. & Chief Accounts Officer / Workshop

GKP / N.

Notes.—1. Subscription during the year is for the period from March (i.e., the pay for March of the previous year paid in April) of the current year to February (Paid in March).

2. The bonus credited to the accounts during the year is the contribution allowed as subscription from April, 1969, (i.e. on pay for March 1969) to March, 1970 (i.e., on pay for February, 1970).

3. The Voluntary Deposit is the amount recovered from bills for March, 1969 to February, 1970.

4. (a) The interest is allowed at the minimum rate of 4% per annum on the Provident Fund assets of Depositors who were members of the Fund prior to 7th March, 1938 or in such other cases as authorized by the Board. In case of others, interest is allowed at the rate fixed annually, the rate of interest for the year 1969–70 being 5·25% per annum upto Rs. 10,000 and @ 4·80% for excess of Rs. 10,000.

(b) Interest on Voluntary Deposit is also allowed at the same rate as stated in 4 (a) above.

5. Subscribers should satisfy themselves as to the correctness of this account and errors should be brought to the notice of the Accounts Officer within six months from the date of its receipt.

NER—1923—20,000—5 12 70

In the Central Administrative Tribunal,
Allahabad Bench, Allahabad.

C.T. No.

Between

M. Collett .... Applicant

and

The Union of India and Others... Respondents

Annexure No. 7

(13)

FA.& CAO (PF)
Case No. 46

PROVISIONAL

FORM No. AC. (G) P. 14
(A. 1323)

North Eastern Railway

Ledger Folio No. .....

Statement of State Railway Provident Institution Account for 1970-71
C. P. F./N. C. P. F.
(See Notes below)

P. F Account No. .....
of Shri/Smt./Km. .....
Designation .....
Ticket No. .....

Declaration executed on .....
Declaration not received.
Son/Daughter of .....
Station .....
Department ..... Part .....

Showing the position of State Railway Provident Fund for and upto the end of the year ending 31st March, 1971.

1		Subscription. 2	Bonus. 3	Voluntary Deposits. 4	Details of withdrawal. 5	Remarks. 6
		Rs. p.	Rs. p.	Rs. p.	Rs. p.	
Balance on 1st April, 1970 ...		161				
Add—Subscription during 1970-71 ...		132				
Refund of advance — ...						
Interest for the year below	Rs. 10,000 @ 5·50%	250				
and above Rs. 10,000	@ 4·80%	52				
Total ...		1,97				
Less—Withdrawals as per Col. 5 -						
Balance on 31st March, 1971 ..		1,95				

True Copy
Allahabad
18/Lucknow

IMPORTANT—1. The attention of subscribers is drawn to the importance of revising their declarations, in case any event has occurred which necessitates revision. If a subscriber has not so far signed the declaration form, he should sign one now.

2. The acknowledgement to the declaration executed by the member of State Railway Provident Fund should be asked for from the Account Officer through his office, if it has not already been received by the member.

Date .....

for F. A. & Chief Workshop Accounts Officer GKP

NOTES.—1. Subscription during the year is for the period from March, (i. e., the pay for March of the previous year paid in April) of the current year to February (Paid in March).

2. The bonus credited to the accounts during the year is the contribution allowed on subscription from April 1970, (i. e., on pay for March 1970 to March, 1971 (i. e. on pay for February, 1971).

3. The Voluntary Deposit is the amount recovered from bills for March 1970, to February, 1971.

4. (*a*) The interest is allowed at the minimum rate of 4% per annum on the Provident Fund assets of Depositor who were members of the Fund prior to 7th March, 1938 or in such other cases as authorized by the Board. In case of others, interest is allowed at the rate fixed annually the rate of interest for the year 1970-71 being 5·50% per annum upto Rs. 10,000 and 4·80% for excess of Rs. 10,000.

(*b*) Interest on Voluntary Deposit is also allowed at the same rate as stated in 4 (*a*) above.

5. Subscribers should satisfy themselves as to the correctness of this account and errors should be brought to the notice of the Accounts Officer within six months from the date of its receipt.

NER—71000861. 1,20,000—25 9 71

In the Central Administrative Tribunal,
Allahabad Bench, Allahabad.

C.T. No.

Between

M. Collett .... Applicant

and

The Union of India and Others... Respondents

Annexure No. 8

(14)

NS/FA & CAO (PF)
Case No. 46

PROVISIONAL

FORM No. AC. (G) P. 14
(A. 1323)

North Eastern Railway

Ledger Folio No. 367

Statement of State Railway Provident Institution Account for 1971-72

C. P. F./N. C. P. F.
(See Notes below)

P. F. Account No. 295567
of Shri Smt /Km. M. A. Collett
Designation A. D. N.
Ticket No.

Declaration executed on
Declaration not received.
Son/Daughter of
Station GKP
Department S&T/Mn Part I

Showing the position of State Railway Provident Fund for and upto the end of the year ending 31st March, 1972

1		Subscription. 2	Bonus. 3	Voluntary Deposits 4	Details of withdrawal 5	Remarks. 6
		Rs. P.	Rs. P.	Rs. P.	Rs. P.	
Balance on 1st April, 1971	...					
Add—Subscription during 1971-72	...	1175				True Copy Attested Clerk
Refund of Advance	...	160				
Interest for the year below Rs. 10,000 @ 5·70%		150				
and above Rs. 10,000 @ 5·00%		74				
Total	...	1536				
Less -Withdrawals as per Col. 5	...	—				
Balance on 31st March, 1972	...	1536				

IMPORTANT—1. The attention of subscribers is drawn to the importance of revising their declarations, in case any event has occurred which necessitates revision. If a subscriber has not so far signed the declaration from, he should sign one now.

2. The acknowledgement to the declaration executed by the member of State Railway Provident Fund should be asked for from the Account Officer through his office, if it has not already been received by the member.

Date

for F. A. & Chief Accounts Officer G.K.P.
Workshop/Divl.

NOTES:—1. Subscripiton during the year is for the period from March, (i. e., the pay for March of the previous year paid in April) of the current year to February (Paid in March)

2. The bonus credited to the accounts during the year is the contribution allowed on subscription from April 1971, (i. e., on pay for March 1971 to March, 1972 (i. e. on pay for February, 1972)

3. The Voluntary Deposit is the amount recovered from bills for March 1971 to February 1972.

4. (a) The interest is allowed at the minimum rate of 4 *d.* per. annum on the Provident Fund assets of Depositor who were members of the Fund prior to 7th March, 1938 or in such other cases as authorized by the Board. In case of other ,interest is allowed at the rate fixed annually, the rate of interest for the year 1971-72 being 5·70% per annum upto Rs. 10,000 and @ 5·00% for excess of Rs. 10,000.

(b) Interest on Voluntary Deposit is also allowed at the same rate as stated in 4 (a) above.

5. Subscribers should satisfy themselves as to the correctness of this account and errors should be brought to notice of the Accounts Officer within six months from the date of its receipt.

In the Central Administrative Tribunal,
Allahabad Bench, Allahabad.

C.T. No.

Between

M. Collett .... Applicant

and

The Union of India and Others... Respondents

Annexure No. 9

(15)

NS FA & CAO (PF)
Case No. 46

PROVISIONAL

Form No. AC. (c) P. 14
(A. 1323)

North Eastern Railway

Ledger Folio No. 362

Statement of State Railway Provident Institution Account for 1972–73.

C. P. F./N. C. P. F.
(See Notes below)

P. F. Account No. 295567
of Shri/Smt/Km M. E. Collett
Designation Cmt. Elec.
Ticket No. .....

Declaration executed on.....
Declaration not received.
Son/Daughter of.....
Station.....
Department Elec. Part I

Showing the position of State Railway Provident Fund for and upto the end of the year ending 31st March, 1973.

1	Subscription. 2 Rs. P.	Bonus. 3 Rs. P.	Voluntary Deposits. 4 Rs. P.	Details of withdrawal. 5 Rs. P.	Remarks. 6
Balance on 1st April, 1972 —	13[illegible]				True Copy Attested
Add—Subscription during 1972–73 ...	1[illegible]				
Refund of Advance —					
Interest for the year below Rs. 10,000 @ 6·00%	--				
and above Rs. 10,1000 @ 5.30%	100				
Total —	1936				
Less—Withdrawals as per Col. 5 ...	—				
Balance on 31st March, 1973 —	1936				

IMPORTANT—1. The attention of subscribers is drawn to the importance of revising their declarations, in case any event has occurred which necessitates revision. If a subscriber has not so far signed the declaration form, he should sign one now.

2. The acknowledgement to the declaration executed by the member of State Railway Provident Fund should be asked for from the Account Officer through his office, if it has not already been revised by the member.

Date.....11.73

for F. A. & Chief Accounts Officer
Workshop/Divl.
G. K. P.

NOTES:—1. Subscription during the year is for the period from March, (i. e., the pay for March of the previous year paid in April) of the current year to February (Paid in March).

2. The bonus Credited to the accounts during the year is the contribution allowed on subscription from April 1972 (i. e., on pay for March 1972 to March, 1973 (i. e., on pay for February, 1973).

3. The Voluntary Deposit is the amount recovered from bills for March 1972 to February 1973.

4. (a) The interest is allowed at the minimum rate of 4% per annum on the Provident Fund assets of Depositors who were members of the Fund prior to 7th March, 1938 or in such other cases as authorized by the Board. In case of other, interest is allowed at the rate fixed annually, the rate of interest for the year 1972–73 being 6·00% per annum upto Rs. 10,000 and @ 5·30% for excess of Rs. 10,000.

(b) Interest on Voluntary Deposit is also allowed at the same rate as stated in 4 (a) above.

5. Subscribers should satisfy themselves as to the correctness of this account and errors should be brought to the notice of the Accounts Officer within six months from the date of its receipt.

NER—73001185—1,23,000—21 10 73

In the Central Administrative Tribunal, Allahabad Bench Allahabad (16)

CT No — Between

M. Corlett - - - - - - - - Applicant

and

The union of India & others - - - - - Respondents.

(1)

Annexure No. 10.

उत्तर रेलवे – रेलइंजन कारखाना – चारबाग – लखनऊ

सं. 408ई दिनांक 24.9.1985

संलग्न पत्र की प्रतिलिपि इस कार्यालय के सभी सम्बन्धित शाखाओं/अनुभागों को सूचना एवं आवश्यक कार्यवाही हेतु प्रेषित है।

कृते मुख्य यांत्रिक अभियन्ता

उत्तर रेलवे, लोकोशाप, चारबाग, लखनऊ।

PS No 8797

महा प्रबन्धक का, प्रधान कार्यालय, बड़ौदा हाउस, नई दिल्ली का पत्र संख्या सं0 720ई/0/xxIx/ पेंशन - दिनांक 21.8.85 जो समस्त रेलवे प्रबन्धक एवं मण्डलेतर अधिकारी, उ0रे0 वित्त सलाहकार एवं मुख्य लेखा अधिकारी, निदेशक लेखा परीक्षा को प्रेषित की प्रतिलिपि:-

बड़ौदा हाउस, नई दिल्ली
पेंशन क्रम सं0 15/85
पी.आर्ड्र क्रम सं0 8797

विषय:- सुप्रीम कोर्ट के निर्णय का फायदा उन रेल कर्मचारियों के परिवारों को जो पेंशन स्कीम के अन्तर्गत आते हैं और जो 1.1.1964 से पहले सेवा निवृत्त हो गये हैं या उनकी मृत्यु हो गई है या जो रेल कर्मचारियों की फैमिली पेंशन स्कीम 1964 के अन्तर्गत नहीं आते हैं को फैमिली पेंशन की स्वीकृति

रेल मंत्रालय के पत्रांक पेंशन/III/85 पी.एफ.1/19 दिनांक 26.7.85 की प्रतिलिपि अपने अधीनस्थ अनुलग्नकों सहित सूचना मार्ग दर्शन एवं आवश्यक कार्यवाही हेतु प्रेषित की जा रही है। उसमें उल्लिखित रेलवे बोर्ड के पत्र दिनांक 28.8.1964 की प्रतिलिपि इस कार्यालय के पत्र संख्या 720ई/0-1/III/पेंशन दिनांक 8/9.1.1964 पेंशन क्रम संख्या 1/1964 द्वारा भेजी जा चुकी है।

संलग्न: यथोक्त

Copy of Railway Bd's letter No.F(E)III/85/PN1/19 dated 26-7-85 from Secy.Rly.Board addressed to General Managers,All Indian Railway and others.

....

Sub:- Grant of family pension to Families of Railway employees governed by the pension scheme who retired or died before 1-1-64 or are otherwise not covered by the Family Pension Scheme for Railway employees 1964. Implementation of the Judgement of the Supreme Court.

.....

As per the existing orders,there are at present two family pension scheme as incorporated in chapter VIII of the Railway Pension Rules,1950,namely the Liberalised Rly.employees,1964.The 1950 scheme of a restricted nature. The family pension scheme for Railway Employees 1964,as issued vide this Ministry's letter No.F(P)63-PN-1/40 dated 2-1-1964 applies to:-

(a) A Rly.servant who entered in the Railway Service in a pensionable establishment on or after the 1st Jan/1964 and

contd....(2)

(17)

PSNO 3797 Contd -(2)

-(2)-

(b) A Railway servant who was in service on the 31st Dec-1963 and came to be governed by the provisions of the Family Pension scheme for Railway employees,1964 contained in this Ministry's letter No.F(P) 63-PN-1/40 dated 2-1-964 as inforce immediately before the issue of this order.

2. Initially,the family Pension Scheme for Railway employees 1964 was a contributory one and employees eligible for the benefits of the scheme were required to contribute two months emoluments out of the DCRG.However with effect from 22-9-1977,this pro-condition was done away with.

3. Sometimes back a section of widows of ersthwhile Rly.servants who were not covered by the Family Pension scheme-1964,had filed writpetitions in the Supreme court of India claiming that the benefit of the family pension scheme,1964 may also be extended to them.

4. During the hearing of these petitions,the Government made a statement on 15-4-85 before the Court on their own stating as to what extant the Govt.would be prepared to accept the claim of the widows. Keeping in view the statement filed by the Govt.and clarifications subsequently given to the Hon'ble Court by the Govt.the Supreme Court of India delivered its judgement on 30th April,1985 extending w.e.f. 22-9-77 the benefit of the family pension scheme 1964 to the families of those Railway servants who were/are borne on pensionable establishment and are not presently covered by that scheme namely the families of those Railway employees who retired/died before 31-12-1963 and those who were alive on 31-12-63 but who opted out of the family pension scheme-1964.

5 Consequent upon the above judgement of the Supreme Court the President has been pleaded to decide that:-

a) the benefit of family pension scheme,1964 may be extended to all the eligible members of the family in accordance with the provisions of this Ministry's letter No.F(P)63-PNM/40 dated 2-1-1964.

b) All the eligible persons,including dependents,shall be allowed the increased pension rates as introduced from_____

c) The arrears of family pension may be granted w.e.f 22-9-77 the date on which contribution of two month's emoluments by pensioners was dispensed with)or from a subsequent date they become eligible for family pension,whichever is enter.The benefit will also be available in cases where the death of the pensioner occurs hereafter.

d) Persons who are now to be granted the benefit of family pension will not be required to contribute two months emoluments.Similarly,no demand for refund of contribution already made by pensioners will be entertained by the Govt. and

(e) Life time arrears of family pension would also be payable in respect of widows/eligible members of the family of the deceased Rly.employees who were alive on 22-9-1977 and who died subsequently to this date,for the period from 22-9-1977 to the date of death.

contd.... (3)

PB No 8797 Contd - (3)

6. It has also been decided that in addition to the family pension, dearness relief on family pension sanctioned from time to time shall also be admissible.

7. The respective heads of department/office or other authorities who are competant to sanction family pension may compute the family pension including dearness relief in terms of the provisions of this letter with effect from 22-9-1977 from a letter date from which the family pension is admissible and sanction payments.

8. The eligible membersof the family would have to apply for family pension to the Head of office from which the Railway servant retired. In case a Department has been abolished or merged with another department, the family pension would have to be processed and sanctioned by the office in which the parent Department of the retired Railway Servant is merged or the office which is keeping the records of the abolished office.

The application for family pension should be made in the attached from the Head of office/department would verify the particulars, compute the family pension including dearness reelief as prescribed in the previous para and send the application etc to the Accounts Officer which means the authority who originally issued pension certificate/pension payment orders.

9. The applicant will have to satisfy the Head of office that she/he is widow/widowers or eligible child of the Railway servant concerned, and establish indentity by production of relievant docu- ments viz. the PPO of the late Rly. servant, wherever possible. The family pension/revised family pension would be authorised for payment by the Accounts Officer as defined in the previous para on receipt of papers from the Head of office/Department from which the Railway servant retired. Further since the ~~in~~ entitlement of family pension in accordance with the provisions of this letter would initially be worked out by the Head of Office/Department which the pensioner last served at the time of retirement or death, it would also be the responsibility of the Hd. of the office or department to determine the beneficiary who would be entitled to receive payment of life time arrears, mentioned in para 5(e) of this letter.

10. The family pension may be paid through pension disbursing authority/authorised public sector Banks/Post Offices as may be desired by the family pensioner concerned.

11. With a view to extend the benefits of these orders to the the Railway pensions who retired or died before 1-1-64 as well as in respect of those who opted out of family pension ~~in~~ scheme for Railway employees, 1964 and retired or died subsequently, the Board desire that wide publicity be given to those ordersby all possible means /ways i.e Notification through Railway Gazette etc.

12. Necessary budgetary provisions required in the discharge of the liabilities flowing out of the implementation of these orders be asked for specifically through the Revised estimates for the current year and the Budget Estimates for the year 1976-77 under the relevant heads for grants to enable the same being processed in the normal course for coverage by a Parliament vote.

Please acknowledge receipt.
(Hindi version will follow).

True Copy
Attested

Annexure No 11

This is another Copy of the Petition together with the form duly filled in and with an affidavit filed before a notary whose photostat copy is enclosed.

In the Central Administrative Tribunal Allahabad Bench

M. Collett ..... applicant.

Versus

The union of India & others ..... Respondents.

No.

The Division R. Manager
N.E.R.,
Ashok Marg,
LUCKNOW

Form of Application head of Office from where the Railway Employee Retired.

Subject: Application for the grant of family pension to the family of the Ry. Employee who retired or died before 1.1.1964 or are otherwise not covered by the family pensions schemes for Railway Employee 1964.

****

I hereby apply for grant of family pension to me in terms of Ministry letter No, F (W) / III - 85 / P.N.I / 19 dated 26.7.1985.

Requisite particulars are given below :-

1. Name of the applicant : Mrs. M. Collett.

2. Widow : Mr. Late G.L. Collett.,

3. Guardian if the deceased is survived by child. — As the deceased husband had two sons settled in life besides only one daughter also married the question does not arise.

4. Full address of the applicant: — Mrs. M. Collett. House No. 49, Chakarapurwa Paper Mill Colony., Mishatganj, Lucknow.

5. Name and age of the surviving widow — Mrs. M. Collett. aged about 56 years.

Contd...2

and children ofthe deceased Ry. Servants.

1. Trevor George Collett 26 Yrs old
2. Desmond William Collett 24 Yrs
3. Daughter A.M. De ' Ginha 22 yrs.

N.B :- These are upto date age entries in respect of the urvivors of Later Mr. G.E. Collett.

S.No.	Name	Relation ship with the deceased person.	Date of birth by Christian era.
1.	Mrs M. Collett	W/O Late Sri G.E. Collett.	Aged. 56 Years
2.	Late Mr. G.E. C Collett.	Husband of Mrs. M. Collett. (Above)	Aged..... at the time of death date of birth not Known.
3.	Sri J.G. Collett	Son.	Aged 26 Yrs Old.
4.	Shri D.W. Collett	Son.	Aged 24 Yrs. Old.
5.	A.M. Collett Married A.M. De' Ginha	Daughter	Aged. 22 Yrs.

6. Name of the deceased Railway Servant: Late Mr. G.E. Collett.
   Pension: He died before the date of superannuation or nov. 14, 1973 he would get no pension as such.

7. Date of death of the Railway Servant Nov. 14, 1973.

8. Dovumentary evidence to be attached by the Railway officer/Deptt. in which the deceased Ry. Servant / Pensioner served.

   Caste andthe post held by him... ANGLO INDIAN.

Contdd. 3I
.....

9.	P.O. P.P.O No. , if any ofthe deceased Railway servant or the applicant.	NIL.
10.	Name of the Accounts Officer viz the Authority who issued P.P./P.P.P.O	Since he was not in receipt of the Govt. Pension the question does not arise.
11.	If the applicant is guardian, his date of birth and relation ship wit the deceased Ry. servant/Pension.	The Applic nts setteled in life and grown up children Question does not arise.
12.	If the applicant (other than guardian a pensioner)	NO.
	If so, indicate the amount of monthly pension.	In view of the answer to querry above at 12 the amount is in the negative.

13. Please att ch :

i) Two specimen signature of the applcant duly attested (to be furnished) in two seperate sheets.	Enclosed at Serial No.....
ii) Two copies passport size Photographs of the applicant, duly attested.	Enclosed at Serial No.....
iii) Two slips each bearing left hand thumb andfinger impression ofthe applicant duly attested.	/ Enclosed at Serial / No.....
iv) Descriptive note ofthe applicant duly attested.	Enclosed at Serial No.....
Indication (a) Height and (b) Personal marks, if any	Also complied.

Contd..4.

14. Specify a few conspicuous marks ~~i~~ not less than two if possible (Certifificates (a) Age (in Original) (with two attested copies) bearing the date of birth of the Children.

N.B: I , and my family were settled in Goa for many years and I am now living in these parts in north India Church records of the date of birth, if any in Goa possibly are not extant any more as the rural churches were no more particulars about their parushoners regarding date as well as death entries.

The certification should be from the Municipal Authority from the LocalPanchayat or from the Head of the Recognised school if the child is studying in such School.

Entries at 11 & 12 show that as all my children were settled in life and major , no need to give the required information probably arises nor it is possible for me at this stage to produce any documentary proof in support of this querry.

The Information should be furnished in respect ofsuch child or children , the particulars of whose date of birth are not availbale with head .

N.B. :. The applicant depends on Govt. records made available by her Late husband during his period of service and in hislife time, andthe efore at this stage for Cogent reasons , given here the information required doesno direftly bear upon the claim of pension to her when the childrent were all settled during their father's life time.

Contd.5.

15. Attessted by :-

	Name	Full Address	Signatures.
1	————	————	————
2.	————	————	————

16. Witness :-

1.	————	————	————
2.	————	————	————

17. Name of the treasury or the branch of the Authorised Public sector or Bank or Post Office through which the family pension here in is to be drawn ————

i) Attached copy of retirement order.

ii) Death certificate of Ry. Servant.:

iii) PPP of the Rly. Servant.

iv) Birth certificate of the children eligible for Pension.

v) Any other documentary indication that the applicant is genuine claimant.

Yours faithfully.,

Mrs M. Collett

Dated..10.3.86.

(Mrs M. COLLETT)

Signature to be furnished in case the applicant is not literate enough to sign his name.

Note: Attestation should be done by the Gazetted Govt. servants or two or more pesons of respectablity in the town village or Pargana in which the appli resides.

Enclosures to the application dated 18, 3.86

✓1. Receipts showing statement of State Railway Provident Institution Account for 1969-70 C.P.F/N.C.P.P. N.E.R. and other similar receipts 1970-71, 1971-72 1972-73 in photo stat Copies made out of the originals.

✓2. Death certificate given by the physician under whose treatment ~~the C~~ late Mr Collett was ~~at~~ when he expired dated 14.11.73.

✓3. Application form duly completed dated 10.3.86 submitted in duplicate

~~4~~. Signatures, physical marks, and finger print marks

✓4 A Copy of Rly Bds. letter no. P(E) III/P5 P.N 1/19 dated 26.7.85 Circulated vide P.S. No. 8797 Railway Engine Karkhana, charbagh Lko (Hindi version) with ~~and~~ other ~~attached~~ enclosures ~~to it~~ referred therein.

✓5 An affidavit dated ——— is also filed with these papers

M. Collett.

5 RS

INDIA

पाँच रुपये

सत्यमेव जयते

FIVE RUPEES भारत

NOTARIAL

NOTARY
Alam Ali Rizvi
Advocate.
34, Amarnath
LUCKNOW.
LUCKNOW-INDIA

BEFORE THE DIVISIONAL RAILWAY MANAGER, N.E.R.
LUCKNOW DIVISION, LUCKNOW

AFFIDAVIT

I, Mrs. M.Collett, aged about 56 years, wife of late Mr. G.E.Collett, address C/O Mrs. K.A.D'Cunha, 49, Chakrapuri, Paper Mill Colony, Lucknow, solemnly affirm and swear to the statement made in paras of the application 1 to 3 are true to my personal knowledge and statement in para 4 is believed by me to be true and the enclosures are also true to my knowledge.

Lucknow:

Dated:19.3.1986

MRS M. Collett
Deponent
(Mrs. M.Collett)

VERIFICATION

I, the above named deponent do hereby verify that the contents of paras of this affidavit are true to my personal knowledge.

Signed and verified today at Lucknow.

19.3.1986

MRS M. Collett
Deponent

True Copy
Attested
18/11/86

Solemnly affirmed before me on this date at 2.45 A.M/P.M. by Shri/Smt. Mrs. M. Collett who is identified by Shri/Smt. H.C. Gupta Clerk to Shri ..... I have satisfied myself by examining the deponent that he understands the contents of this affidavit which has been read out and explained by me.
Received Rs: 2-50 as my fee.

Advocate & Notary
Sh. Abadi Lal Das Dayal Road
LUCKNOW
19.3.86

I Identify the deponent (s) / Executant (s) / Signatory (ies) who has/have signed/Put T.I. before me.
19/3/86

Annexure No 12

(20)

पूर्वोत्तर रेलवे
N. E. RAILWAY

N. E.—C 40A
RB—CL 19

E/IV/211/Pension

Date 11-2-87

From: DRM(P), LJN.

To: Smt. M. Colleti
c/o Mr. A.D. Cunha
49 Chakkarpura
Paper Mill Colony
Lucknow.

Subject: Family pension to the widow of Late Mr. G.E. Colleti Asstt Driver/Diesel Shed/CPA

Ref:- Your representation dt 26/1/87

Your case for grant of F.P. was considered in the 'First Open House Conference' for settlement of pending due of Ex-employees (First Pension Adalat) held on 1-10-86. You also attended the said Conference. The Conference decided to refer the matter to GM for relaxation from the Rly. Board, for accepting your Pension Option exercised on 26-9-86. Accordingly the case has been refered to GM(P)/GKP to obtain and Communicate Board's decision in the matter. The matter is still under reference and on receipt of Rly. Board's decision you will be apprised of the position.

However if you like you may attend the 2nd Open House Conference to be held in this office on 20-2-87 at 9 hrs.

Sd/-
Divl. Rly. Manager (P)
Lucknow.

True Copy
Attested
18/3/90

In the Central Administrative Tribunal Allahabad
C.A. No. - Between
Smt. Colleti ... Applicant
and
The union of India & others ... Respondents.

In the Central Administrative Tribunal, Allahabad Bench, Allahabad

CT No ——

(27)

M. Collett - - - - - - Between Applicant

The Union of India & others - - - - - - and Respondents.

Annexure No. 13.

Postal

N. E. RAILWAY

N. E. RAILWAY

No. E/IV/211/Pension Adalat Dated 16/2/87

From: DRM(P) LJN.

To: Smt M. Collete C/o Mrs. A. D. Cluin Cunha 49 Chakkarpura Paper Mill Colony Lucknow.

Sub: Grant of Option for Family Pension to the widow of late Mr. G.E. Collette, ex Asstt Driver (Disel Shed) CPA

Ref :- This office letter No: E/IV/211/Pension dt 11/2/87

In Continuation to this office letter of even No: dt 11/2/87, the GM(P) GKP vide his office letter No: E/207/IX/Settle/G.E. Collette dt 12/2/87 has given the following decission -

"The Rly. Board vide their letter No: E(G) 84 PN 1/8 dt 10/2/87 has regretted to accede the request of the widow of the above ex-employee at this distant date"

True Copy Attested 18/2/87

For DRM(P) Lucknow.

In the Central Administrative Tribunal ,
Allahabad Bench, Allahabad.

C.T. No.

Between

M. Collett .... Applicant

and

The Union of India and Others... Respondents

Annexure No. 14

(28)

To,

The Divisional Railway Manager,
North Eastern Railway,
LUCKNOW.

Ref: Payment of settlement dues and family pension

Sir,

Most respectfully I beg to state that my husband Sri G.E. Collett, who was serving under you as an Asstt. Driver (Diesel), N.E. Railway Dieselshed Anwarganj, Kanpur died on 14.11.73 after prolonged illness. I have spent all my money which I had with me in his treatment but unfortunately I could not save him. I, therefore, request you to very kindly arrange payment of my husband's settlement dues and also my family pension at an early date to enable me to pull on with my life.

Thanking you,

Yours faithfully,

M Collett.

(M. COLLETT)
W/o Late Sri G.E. Collett,
L/172-A, N.E.R. Diesel Shed,
Anwarganj, KANPUR.

KANPUR
Dated: 26.11.1973.

True Copy
Attested
[illegible]

In the Central Administrative Tribunal, Allahabad Bench
Allahabad
C.T. No. ——
Between

M. Callett - - - - - - - - Applicant
and
The union of India & others - - - - Respondents

(29)

To.

Annexure No. 15

The Divisional Railway Manager
North Eastern Railway
Lucknow.

Ref. Payment of Settlement dues and Family Pension

Sir

Respectfully I have to state that my husband G.E. Callett who was working as an Asstt. Driver (Diesel) N.E. Railway, Diesel Shed Anwarganj Kanpur died on 14.11.1973. I made an application dated 26.11.73. to your honour for payment of his Settlement dues and my family pension and also approached the authorities at your office to expedite payment but nothing appears to have been done so far, I am in great distress and running penniless. I shall be highly obliged if your honour makes payment of the above at an early date to save me from starvation

Thanking you.

Yours faithfully
M. Callett
w/o late Sri G.E. Callett
L/172 'A' North Eastern Railway
Diesel Shed Anwarganj
Kanpur.

Kanpur
Dated 5.4.1974.

True Copy
Attested
[illegible]

In the Central Administrative Tribunal ,
Allahabad Bench, Allahabad.

C.T. No.

Between

M. Collett .... Applicant

and

The Union of India and Others... Respondents

Annexure No. 16

To,

The Divisional Railway Manager,
North Eastern Railway,
LUCKNOW

Sir,

Ref: Payment settlement dues and family pension of my husband late Sri G.E. Collett, Asstt. Driver (diesel), Diesel Shed, Anwarganj,Kanpur

Respectfully I have bring to your kind notice that my husband above died on 14.11.73 and I have been sending applications dated 20.12.73,5.4.74 and 10.6.75 for payment of family pension and other settlement dues but the clerk concerned and other authorities are not attending me and listening to my grevances. I want to tell my story to you kindly allow me interview to relate my story and oblige.

Yours faithfully,

M. Collett.

(M. Collett)
W/o Late Sri G.E. Collett.
Ex-Asstt. Driver (Diesel)
Diesel Shed, Anwarganj,
KANPUR.

LUCKNOW

Dated: 10-11-1975.

True Copy
Attested
Advocate

(31)

In the Central Administrative Tribunal, Allahabad Bench Allahabad

CT No —

Between

M. Collett - - - - - - - Applicant

and

The union of India & others - - - - Respondents

Annexure No 17

To,

The Divisional Manager,
N.E.R., Lucknow Division,
Ashok Marg,
LUCKNOW.

Sub : Application for the Grant of family Pension to the widows of the Railways Employees.

Sir,

With reference to my application dated 20.3.86 on the above subject which I personally handed over in the office of the A.P.O. (Sri Shiva Murti). I submit that so far nothing has transpired as regards action being taken in matter.

I there pray that speedy action may kindly be taken an interim reply sant to me by this reminder Sir, I will ever be grateful and thankful for the trouble taken.

Yours faithfully,

M. Collett.
(M. COLLETT)
C/O MRS. A.D. CUNHA
No. 40-Chakkar Purva
Paper Mill Colony,
LUCKNOW.

Dated : 21/3/86.

True Copy
Attested
[illegible]

Annexure No 18

(32)

To

The Secretary,
Railway Board,
New Delhi.

Subject: Application for the grant family pension to the widows of the Railway employees.

Sir,

I beg to invite your benign attention to letter no. P(E)ii/85/F.N.I. dated 26.7.85 on the above subject from the Secretary Railway Board, New Delhi and to submit a copy of my petition dated 20-3-86 in this behalf with the application form duly filled in for your information and favourable action. Besides, an affidavit signed on 19.3.86 is being enclosed.

I bring my exasperation to your worthyself's notice that since long, I have pursued my case though the Standing Union Govt. instructions are quite clear in the aforesaid letter of the Secretary Railway Board, still I am being put to a good deal of harassment for nothing when I go to the offices concerned to present my petition, not to say want of clarification of any Govt. orders in this respect, which makes me to infer that justice delayed and justice denied both are true to cases of this nature when a helpless widow is the sufferer. Your worthyself will take due notice of my plight and take suitable action at your end to expedite my petition early.

Yours faithfully,

M. Collett

(M. Collett)
C/o Mrs. D. Cunha
49, Chakarpurwa,
Paper Mill Colony,
Nishat Ganj, Lucknow.

Dated: March 21, 1986.

True Copy
Attested
[illegible]

In the Central Administrative Tribunal, Allahabad Bench
Allahabad
C.T.No. — Salman
M. Collett - - - - - - - - - - - - - Applicant
and
The Union of India & others - - - - - - Respondents

Annexure No 20.

(35)

To,

The D.R.M.
Lucknow Division
Ashok Marg, Lucknow.

Subt—Pension to the Widows of N.E.R. employees etc.

Sir,

Apropos my represention Sep. 1-1986 given to your worthy-Self by one of my well wishers, at that time though myself present, being physically strained, too much having waited since 10 A.M. to 5 P.M., it was very kind of you to take it and your office had refused. Thus I have felt great gratitude in my heart for your kindness. Now I submit as below:-

Sri, Ulfat Rai Srivastava an Inspector of E.I.R. came to me a few days before the meeting at the Pension Adalat Act Vig. on Oct. 1- 1986 and wanted me to sign a draft for the refund of a sum of Rupees Cr.900/- being excess amount shown on the Railway recipt.

He said that no harm would we done to my Pension case instead the case would be decieded favourable. As he instead I had to sign his draft in good faith trusting him.

My son an employee of the N.E.R. being away on duty I had no one with me to give me proper advice.

Later, when I visited the Pension Adalat and was heard before it I was told that my case was being reffered tothe secretry Railway Board, New Delhi, who would decied the same.

I saw the Inspector concerned along with the persons who were present there but he said nothing about me and showed No papers concerning my case to Pension Adalat.

However in the circumstances, the honrable Sup. Court judgement in the case of the Pensions to the widows. and particularly in my case has become inprative and the Union Ministry of Railways whcih has taken many liberal measures since them, have been nullyfied in my case, surprises me most.

I will be frateful if my case is decieded on merrit, quickly and favourerly.

Yours Faithfully
M. Collett
(Mrs. Collet)
C/O Mrs. A.D. Cunha
49, Chakkarpura Paper-Mill Colony, Lko.

Dated Oct 19/20 1986.

Attested

Annexure No. 19.

13

To

The D.R.M.
N.E. Rly.
Ashok Marg,
LUCKNOW.

Sub: Pension to the widow of the employees N.E.R.

Respect Sir,

Apropos handing over my representation to your goodself by a well wisher on 1-9-86 when I too was present but not on a condition or form of address to your goodself being reduced to a state of nervous breakdown and extreme faligue due to the harassment suffered in the office from 10 A.M. to 5 P.M. when they even refused to take it and ultimately your worthy self took it.

2. Your Inspector one Ulfat Rai Srivastava came to me before the Pension Adalat met. He at first served for me at the given address, later he met me at my sons residence. I was alone my son an employee of the N.E.R. was away on duty. He explained the purpose of his visit to get me sign a draft which he had with him to the effect he pointed out in my papers was a figure Cr. P.C.Rs. 900/- as it stood in the Rly. receives being an excess amount to be refunded. It was a lie. I have received no other money than this then how could be in excess? signxafx He assured me that he would get the family pension provided I signed this draft which said that I would refund the excess amount, no figure was mentioned in the draft. He persuaded me and was adamant, so I had no other way but to sign. I was alone and I c

In the Central Administrative Tribunal, Allahabad Bench
Allahabad
O.A. No. - of
M. Cassell - - - - - - - - Applicant
Between
and
The union of India & others - - - - Respondents

not consult, other members of my family. He assured me that no risk was involved so I signed.

My rejection of the pension claim follows in the letter of the Pension Adalat dated 22.9.86. I was overshelmed consequently and also on day of proceeding of the Adalat with being too much harassed. The Instructor I could see him, with other colleagues did not present before the Adalat my petition dated 1.3.1986 with original photostat documentary proofs in support of my pension claims so it was not considered.

3. I think, now legal experts as well as departmental knowledgeable quarters do hold and opinion in support of my pension claim. The honourable Supreme Court Judgement has ~~xxx~~ somehow being twisted to suit personal designs and bias. A revision, if called for by the petitioner would surely decide technicalities are legal point involved in my case. But a decision like the one cited above is most likely to ~~xx~~ condemned. So my prayer for pension claim should be attended first and most sympathetically my earnest desire and sincere well wishes for your sorthy self and staff concern will be pouring.

I will be grateful.

Yours faithfully,

M. Collett.

(MRS. M. COLLETT)
W/o. Late Mr. G.E. Collett,
C/o. Mrs. A. D'Cunha
49, Chakkarpuri,
Paper Mill Colony,
Lucknow.

Dated: 15/10/86

(1) Copy forwarded to The Secretary, Railway Board, New Delhi in ~~xxxxxx~~ continuation of my application dtd. 20.3.86 addressed to D.R. M., Lucknow with a copy of the letter dtd. 20.10.86 to the Secy. Rly. Board.

(2) Copy with a copy of thletter dtd. 20.10.86, to the Secy. Rly Board, forwarded for information to the General Manager, Gorakhpur, N.E.R., with the remark that copy of the application dtd. 20.3.86 had already been sent to the G.M., Gorakhpur.

True Copy
Attested
[illegible]

(Mrs. M. Collett)

Annexure No 21

(36)

To,

The D.R.M. N.E.R.
Lucknow Division
Ashok Marg, Lucknow.

Subt:- "Family Pension" to the widows of the N.E.R. employees case of the Late of Mr. G.E. Collett, Asst. Driver, Loco shed (Diesel), Anwarganj, Kanpur.

Sir,

With reference tothe above subject and apropos to your goodself's 'Notice', inthe local daily swatantra Bharat dated January 19, 1987, I have to submit as below:-

The Honourable Minister for Railways, Begam Mohsina Kidwai had graced the occassion on October 1, 1986, on the eve. (when previous to this notice as notified Patrika dated 13.8.86 an open conference of ' Pension Adalat' was held) I was also present when may case came up before them. I was informed that my case was being referred tothe Secretary Railway Board, New Delhi for decision.

Soon after these proceedings were over, there appeared numerous complaints in the columns of theseveral of the esteemed dailies with regard to the hardship and harassment to all of us who participated in the above said proceedings, waiting from 10 A.M. to 5P.M. during that time the money which I spent on Board and conveyance I could not afford. Never the less also is true.

I mention also, here again for your information that the service record of my late husband, Mr. G.E. collett, and other papers and documents with me which have been since electro photostated of their originals, have been enclosed to my origional application form dated March 19, 1986, duly completed and submitted to the D.R.M.'s office along with and affidavit there to and as such needs no re-pitition of re-submission. This also being not feasible as well.

Contd.2

However, I enclose two further copies of recent letters addressed to D.R.M. LKO on Oct. 15, 1986 and Secretary, R/B. New Delhi dated Oct. 20, 1986 for information and ready reference.

With regards for the prosperity and happiness they may bring you.

Yours faithfully,
M. Collett

M. Collett

अदालत श्रीमान् [illegible] महोदय

[वादी] अपीलान्ट

श्री [illegible] का

प्रतिवादी [रेस्पाडेन्ट]

वकालतनामा

COURT FEE M. Collett 14/4/87

COURT FEE M. Collett 50/87 ISC

[illegible] बनाम [illegible] प्रतिवादी (रेस्पाडेन्ट)

नं० मुकद्दमा सन् [illegible] पेशी की ता० . . . १९ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री V. [illegible]

[illegible] Kala Mahotsav [illegible] वकील महोदय एडवोकेट

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाब देही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा उठावें या कोई रुपया जमा करें या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

नाम अदालत — मुकद्दमा नं० — नाम फरीकैन — बनाम

हस्ताक्षर M. Collett.

साक्षी (गवाह) _____ साक्षी (गवाह) _____

दिनांक _____ महीना _____ सन् १९ ई०

स्वीकृत

20/4/93

2 RS

INDIA

TWO RUPEES

In the Central Administrative Tribunal at Allahabad

Circuit Bench, Lucknow.

M.A. No. 37 1993 Arising out of OaNo 1121/1987

Mrs. M. Collett----------Applicant

vs.

Union of India and others----------Respondents/Opposite parties

F.F.20.4.1993

The applicant most respectively begs to submit:-

( ) That the above application OA No. 1121/1987 was filed in the Hon'ble Tribunal on 12.11.1987.

(2) That the above case was admitted by an order dated 26.8.1991 passed by the Hon'ble Mr. justice K. Nalu, Ex V.C. and Hon'ble Mr. K.Obaya (A.M.)

(3) That a counter reply from the respondents is awaited since 26.8.1991.

(4) That more than 19 months have passed but the counter has not been been filed by the respondents even to this date.

(5) That the applicant is an old lady and generally remains sick, sometimes seriously. Besides she passes her days in distress.

It is, therefore, most humbly prayed that the Hon'ble Tribunal may be graciously pleased to pass an order to proceed ex-parte in the case without giving further time to the respondents to file a counter reply as they have already been afforded ample opportunity for the filing of the counter reply but they utterly failed to avail of the Opportunity.

Lucknow

2.4.1993

Applicant

Counsel for the applicant

20.4.93

Counter ~~Rejoinder~~ Affidavit

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH LUCKNOW

O.A. NO. 1121 OF 1987.

Mrs. M. Collett ----- APPLICANT.

Versus;

Union of India and others---- RESPONDENTS.

COUNTER REPLY ON BEHALF OF ALL THE RESPONDENTS.

I, S.M.N. Islam, working as Sr. Divl. Per. Officer, North~~ern~~ Eastern Railway, Lucknow do hereby solemnly affirm and state as under:

1. That the official above named ~~HEX~~ working as Sr. Divl Per Officer under the respondents and as such is fully conversant with the facts ofthe case and he is in a position to filed the present counter reply on behalf of all the respondents.

2. That the contents of para 1 of the original application are admitted.

3. That the contents of para 2 of the original application are admitted.

4. That in reply to the contents of para 3 of the original application it is stated that the pension scheme was introduced in Railways on and from 16/11/1957 i.e. after the appointment of the applicant's husband in the Railway department as such he was not covered with the pension scheme.

5. That the contents of para 4 are denied being misconceived and false. In reply to the same it is stated that applicant's husband never opted for pension in his life time which is evident from the application given by the applicant herself on 20/10/86. The applicant's husband was State Railway Provident Fund Optee as such he was not entitled for the pension according to the laws framed by the Railway Board.

6. That thecontents of para 5 of the original application are not admitted as stated. In reply to the same, it is submitted that no railway employee can get the benefit under both schemes i.e. Railway Provident Fund and pension as per extant rules . Since the applicant's husband was

A/51

governed by the State Railway Provident Fund Rules as such he was accordingly paid at the time of his death.

7. That the contents of para 6 of the original application are not admitted as stated. In reply to the same it is stated that no pension scheme was introduced at the time of appointment of applicant's husband i.e. 21/10/57 as such he was not entitled for the pension. It is further stated that the Supreme Court's order dated 26/7/85 is not applicable in the instant case. Virtually, the applicant's husband never opted the pension scheme, therefore, no pension is admissible to his family.

8. That the contents of para 7 of the original application need no further comments as the position has been clarified in the preceding paragraph to this counter reply.

9. That the contents of para 8 of the original application are ~~not admitted as stated in reply to the same, it is stated that~~ matter of record hence need no reply.

10. That the contents of para 9 of the

original application are not admitted as stated. Reply to the same has already been given in preceding paragraphs hence need no further comments.

11. That the contents of para 10 of the original application are matter of records hence need no reply.

12. That the contents of para 11 of the original application are admitted.

13. That the contents of para 12 of the original application are denied. The applicant has no right to claim the pension because of the fact that the husband of the applicant never opted for the same. The applicant's claim was considered by the Railway Board but it was not possible to give him pensionary benefits as per Railway Board's Rule.

14. That the contents of para 13 of the original application under reply has already been replied in preceding paragraphs.

15. That thecontents of para 14 of the original application are denied being misconceived and false.

16. That the contents of para 15 of the original application has already been replied in preceding paragraphs to this counter reply.

17. That the grounds mentioned inthe original application are unfounded and false and misconceived and no case is made out for relief, therefore, the original application is liable to be dismissed with special costs, in favour of the answering respondents and against the applicant.

Luckhow;

Dated; 5/11 /1993.

VERIFICATION:

I, the above named official, do hereby verify that the contents of para 1 of the ~~originaxxappl~~ counter reply are true to my best knowledge and paras 2 to 17 are based on legal advice and records. No part of it is false and nothing material has been concealed. So help me God.

Lucknow;

Dated; 5/11 /1993.

Rejoinder Affidavit

Rn 37/88

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
LUCKNOW BENCH, LUCKNOW.

O.A.No.1121/1987

Mrs M.Collett ... Applicant

Union of India & others ... Respondents

Rejoinder on behalf of the applicant to the Counter reply of the respondents.

The applicant most respectfully begs to submit :-

(1) That the contents of para 1 need no comments.

(2) That the contents of para 2 need no comments

(3) That the contents of para 3 need no comments.

(4) That in reply to para 3 it is stated that the pension scheme was introduced in Railways on and from 16-11-1957 after the appointment of applicant's husband in the Railways on 24-10-1957. But it is denied that he was not a pensioner as he opted for pension subsequently during his service in his life time.

(5).1. That the contents of para 5 of the counter are quite wrong, hence denied and those of the para 4 of the original application are re-iterated. The applicant's husband opted for pension in the year 1969 while in service in his life time and the same is established from the P.F.Slips for the year ending 1969-70, 1970-71 1971-72 and 1972-73 (Annexure No 6 to 9) showing only his own contribution to the Provident Fund and no bonus from the railway whereas in his previous provident fund slips for the year 1960 to 1969 against his Provident

...2...

Mrs M. Collett

Fund Account No.295567 show both his annual subscription as well as bonus beginning from the year ending 31st March, 1960 (Annexure No.4) to the subsequent years ending 31st March 1969 (annexure no.5). This is an ample proof that he was a SRPF Optee upto March, 1969 and thereafter he opted for pension in 1969 which deprived him of his bonus in the P.F.Slips.

(5.2) That this Hon'ble Tribunal by a bench consisting of Hon'ble Mr. Justice Kamleshwar Nath (Ex V.C.) and Hon'ble Mr K.Obayya (AM) by an order dated 26-8-1991 while deciding the review application of the applicant have very clearly held vide para 8 thereof in this very case as under :-

"It is evident that the applicant has been persuing her representation single handedly in support of her claim for family pension. She has stated that pension scheme was introduced in the year 1957 which was after the applicant's husband entered service and that in the year 1969 her husband opted for pension scheme which fact can be gathered from the Provident Fund slips for the year ending 69,-70, 70-71, 71-72, 72-73 showing only the employee's subscription to Provident Fund without any contribution for the respondants towards bonus (Annexure No.6,7,8 and 9)"

A true copy of the said order dated 26-8-1991 is ~~filed~~ as ~~Annexure No.R-1 to this rejoinder~~ Annexure No. R-4 already on record.

Contd...3...

Mrs M. Collett

18/8/91

6- That the contents of para 6 are denied in view of the reply given in para 5 above.

7- That the contents of para 7 are quite wrong hence denied. This Hon'ble Tribunal by an order dated 26-8-1991 (Annexure No. R-1) held that the applicant's husband opted for pension during his service in his life time. In view of the findings of the Hon'ble Tribunal in their order dated 26-8-1991 the Railway Board's orders dated 26-7-1985 (Annexure No.10 of the original application) issued by them consequent upon the Hon'ble Supreme Court's order dated 30-4-1985 is fully applicable in the case of the applicant and she is entitled to family pension prayed for.

8- That the contents of para 8 in view of the reply detailed in para 5 and 7 above do not call for further comments.

9- That the contents of para 9 need no comments.

10- That the contents of para 10 are denied and those of the para 9 of the original application are re-eterated.

11- That the contents of the para 11 need no comments.

12- That the contents of para 12 need no comments.

13- That the contents of para 13 are denied and those of the para 12 of the original application are re-iterated.

14- That the contents of para 14 need no further comments.

15- That the contents of para 15 are quite wrong hence denied and those of the para 14 of the original application are re-iterated.

Mrs M Collett

contd....4...

16- That the contents of para 16 need no comments.

17- That the contents of para 17 are quite wrong and baseless hence denied. The order dated 26-8-1991 decided by the Hon'ble Tribunal (Annexure No.R-1) filed along with this reply clearly proves that the applicant is fully entitled to the reliefs prayed for :

18.1 That the applicant filed this original application on 12-11-1987 and this has abnormally been delayed on one ground or the other. During the pendency of this case the applicant had been put under acute financial stringency. Her two sons and their wives, who were not keeping good and cordial relations with the applicant turned her out of their house. Thereafter she began to live with her daughter. But after sometime she did not feel it desirable to remain a bruden to her daughter during the hard days of life so she left her house and went to Kanpur and began to live in a rented room. Since the applicant had no source of income of her own she began to take up some private tutions to maintain her living. A stage came when she fell seriously ill and she was in a state of starvation and had no money even for her medical treatment. In the meantime the Government of India offered an opportinity of ex-gratia payment to the widows of Central Government employees @ Rs.150/- p.m. The applicant had no other resort but to derive this benefit to maintain her living and she is getting this ex-gratia payment since 1.1.86 from the Railway Department.

18.2 That the applicant is liable to get the benefit

contd...5...

Mrs M Collett

of family pension due to her on the basis of Railway Board's order dated 26-7-1985 based on the Hon'ble Supreme Court's orders dated 30-4-1985 (Annexure No.10) with effect from 22-9-1977 after calculating the arrears due and adjusting the amount paid to her as ex-gratia payment already made w.e.f. ...1.4.86.

Mrs M. Collett
APPLICANT

Lucknow
Dated 29th Sept.,1993

VERIFICATION

I, M.Collett, the applicant above, do hereby verify that the contents of paras 1 to 18 of this rejoinder reply are true to my own knowledge and based on records. No part of it is false and nothing material has been concealed. So help me God.

Signed and verified this 29th day of September 1993 at Lucknow.

Mrs M. Collett
APPLICANT

Lucknow
Dated 29th Sept.,1993.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

LUCKNOW BENCH LUCKNOW

OA NO. 1121/1987

M. COURT FEE ONE RUPEE

COURT FEE ONE RUPEE

M.Collett ----- Applicant

Vs.

Union of India & others --- Respondents.

A F F I D A V I T

I, M.Collett, aged about years widow of late G.E.Collett, C/O Shri A.D.Cunha and resident of 49, Chakkarpur, Paper Mill colony, Lucknow, do hereby solmenly affirm and state on oath as under:-

1. That the deponent is the applicant in this case and is fully conversant with the facts of the case detailed in the accompanying rejoinder reply.

2. That the contents of paras 1 to 18 of the accompanying rejoinder reply are true to my own knowledge.

Lucknow
Dated 29-9-1993

MRS M. Collett
DEPONENT

VERIFICATION

I, deponent named above, do hereby verify that the contents of paras 1 to 2 of the above affidavit are true to my own knowledge. Nothing material has been concealed. So help me God.

Signed and verified this 29th day of September, 1993 at Lucknow.

MRS M. Collett
DEPONENT
(M.Collett)

Lucknow
Dated 29-9-1993

I identify the deponent who has signed before me.

(V.D.SHUKLA)
Advocate.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH

LUCKNOW

Review Petition No.37/1988

in

O.A No. 1121/87

Mrs. M.Collett — Applicant

versus

Union of India & others — Respondents.

Hon. Mr. Justice U. Nath, V.C.
Hon. Mr. K. Obayya, A.M.

(Hon. Mr. K. Obayya, A.M.)

This Review Petition arises on order and judgment dated 9.2.88 in O.A. 1121 of 87, Mrs. M. Collett Vs. Union of India & others.

2. The applicant sought for payment of family pension from the widow of one G.S. Collett, who was employed in the N.E. Railway as Assistant Driver (Driver) on the scale of Rs 75-110 and died while in service on 14.11.1971.

3. The contention of the applicant was that her husband late Collett was initially an owner of the Railway Provident Fund but later in 1969 he opted for pension and the Provident Fund slips for the years 69-70, 70-71, 71-72 and 72-73 (Annexures 4 to 10 of the main application) indicate that no bonus was paid by the Railway Administration. The applicant moved the department by representations dated

26.11.73, 5.4.74 and 10.11.75 for payment of family pension, since all the formalities in this regard were fulfilled/complied with by the applicant. However, it would appear that no action was taken on these representations. The applicant made further representations, duly furnishing information (Annexure No. 11), claiming the entitlement for payment of family pension on the basis of Railway Board's letter dated 26.7.85 (Annexure No. 10). She had also agitated the matter in the First Pension Adalat. D.R.M. Lucknow informed the applicant that her case has been referred to General Manager Gorakhpur to obtain and communicate necessary orders (Annexure-12). By further intimation dated 16.2.1987 (Annexure 13), the applicant was finally informed that the Railway Board has regretted to accede to her request.

4. In this review Petition it is pointed out that the Tribunal has erred in computing the limitation period as also in holding that the applicant had failed to establish that her husband had acquired a right of pension before his death.

5. We have given our careful consideration to the averments of the review petition and also examined the order of the Tribunal dated 9.2.93 dismissing the application. The main contention of the applicant is that her case is governed by Railway Board instructions contained in their letter dated 26.7.1985 (Annexure-10).

6. We have carefully examined these instructions.

These instructions on "Grant of family Pension to families of Railway employees" are comprehensive and cover case of Railway employees who retired or died before 1.1.1964 and also those who are not covered by the family pension scheme of 1964. Paras 2,3 and 4 of the above Railway Board's letter gives a clear picture as to the category of Railway employees who would be eligible for the family pension scheme. It would appear that the background to these instructions is the decision of the Supreme Court dt. 30.4.85 in the writ petition filed by some of the widows of Railway employees not covered by the family pension scheme 1964. Such widows who are left out in the earlier schemes have not been included for the benefit of family pension. Para 5 is the operative portion of the instruction and the family pension has been made effective from 22.9.1977. The eligible members of the family were required to submit their applications to the Head of the Office from which the Railway servant last served.

7. The applicability of the above Railway Board instruction to the case of applicant was discussed in para 2 of the judgment dt. 9.2.1988. The contention of the applicant was not accepted on the ground that the applicant has not established a case that her pension representations were not considered by the respondents and this application was rejected on the point of limitation.

8. The claim petition and the annexures thereto indicate that the applicant has set out her case in

annexure No. 1. Paras 3,4,5 and 6 in particular are very material. It would also appear that the applicant has made representation for grant of family pension as far back as on 26.11.1973 (Annexure No. 14) In this representation to D.R.M., Lucknow there is also mention for settlement of family pension. Annexure 15 is another representation dt. 5.4.1974 on the same subject and annexure 16 dt. 10.11.1975 is also reiteration of the request of the applicant for payment of family pension. But none of these representations have been considered or replied to. Subsequently after the issue of Railway Board's instructions (Annexure No. 10), the applicant has made representation (Annexure No. 11) on 10/20.3.1986. From these representations, it is evident that the applicant has been perusing her representation single handedly in support of her claim for family pension. She has stated that the pension scheme was introduced in the year 1957 which was after the applicant's husband entered service and that in the 1969 her husband opted for pension scheme which fact can be gathered from the Provident Fund slips for the year ending 69-70, 70-71, 71-72, 72-73 showing only the employees subscription to Provident Fund without any contribution for the respondents towards bonus (Annexures 6,7,8 and 9).

9. On the point of limitation, it was held that

the cause of action arose in 1973 and the application was preferred in 1987 i.e. after 14 years. We have given our serious consideration to this claim for family pension, which was preferred by the applicant consequent to the instructions of Railway Board dated 26.7.1985 and her request was rejected by order dated 16.2.1987 and O.A.No. 1121/87 was filed on 12.11.1987. In these circumstances, we consider that the application is within time. It is well settled that pensionery benefit is a benefit which continues throughout the life time of the pensioner. The surviving members in the family are entitled for family pension in case of death of the pensioner. This right also is a continuing right and no plea of limitation can be set up against this right.

10. For the reasons discussed above we are of the view that there is error in the Tribunal's order dt. 9.2.1988 in holding that the application is barred by limitation and the order dt. 9.2.88 is liable to be set aside and the same is set aside. We consider that this is a fit case for admission, and we order accordingly.

MEMBER (A) VICE CHAIRMAN

DATED 26-8-1991

Allahabad.

(ss)

Attested

True Copy

C.T.C.

Section Officer
Central Administrative Tribunal
Cricuit Bench
LUCKNOW

28/8/91

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH : LUCKNOW.
Cpp.Residency,Gandhi Bhavan,Lucknow.

No. CAT/CB/LKO/Judl/ 641--642 Date : 8/5/91

REGISTRATION O.A NO 1121 of 1987

Mis M Collch

.....Applicant(s)

VERSUS

Union of India

.....RESPONDENT(S)

(1) Shri V.D. Chitkara Adv
84/383, Kotwa Moghalganj Lucknow

(2) Shri A.V. Srivastava, Adv
CAT, 23-A Thornhill Road, Alld

Please take notice that the applicant above named has presented an application a copy _____ here of is enclosed herewith which has been registred in this Tribunal and the Tribunal has fixed 24 day of 6/91 for _____.

If, no appearance is made on your behalf, your pleader of by some one duly authorised to Act and plead on your behalf in the said application, it will be heard and decided in your absence. Given under my hand and the seal of the Tribunal this 4 day of 6 1991.

FOR DEPUTY REGISTRAR.

M.Panda/