

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA

OA No.409/05

Date of order : 7th July, 2005.

C O R A M

Hon'ble Ms. Sadhna Srivastava, Member(Judicial)

Smt. Sakali Devi

....

Applicant

Vrs.

Union of India & Ors.

.....

Respondents.

Counsel for the applicant : Shri R.N.Saran.

Counsel for the respondents : Shri A.A.Khan, SC

ORDER

By Sadhna Srivastava, Member(J) :-

By way of this original application, the applicant has challenged that her pension has been with-held by the respondents illegally.

2. The applicant has submitted that her husband died on 12th October, 1987 while he was working as C.P.C./Sub Gangman at P.W.I., Patna.

Thereafter she was granted Rs.375/- + admisslbe relief ~~as per the order of the court~~ as

family pension in as much as she had also received death cum retiral gratuity. On 19th September, 1996 (Annexue-A/1(3), she received a notice issued by the respondents, wherein she was asked to submit a representation

2.

as to why her pension should not be stopped as her husband was not a regular employee of the Railway, rather he was C.P.C./Sub. Gangman who died on 12th September, 1987. After receipt of the notice dated 19.9.1996, the applicant filed a representation on the same day, i.e. 19.9.1996, which is on record [Annexe-A/1(2)], but the respondents have not taken any decision so far. Before coming to this court, ~~the applicant~~ ^{representation was} again filed ~~the applicant~~ ^{which is on record (Anneuxre-A/1)} which is on record (Anneuxre-A/1), to the concerned authorities but the respondents have not taken any decision. It is submitted on behalf of the applicant that she is at starvation stage.

3. Under these facts and circumstances, the ld. counsel for the applicant has submitted that by treating this O.A. as representation some time bound direction be given to the respondents to expedite the matter and decide the representation at the earliest ^{possible} to save the family from financial hardship.

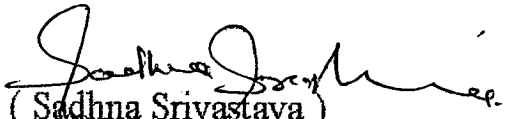
4. I have heard the ld. counsel for the applicant as well Shri Khan for the official respondents. After considering the submissions made by the ld. counsel for the applicant that the representation is still pending with the respondents, I am of the considered opinion that the present O.A. can be disposed of at the admission stage itself by giving directions to the

3.

respondents to decide the claim of the applicant within stipulated time.

5. Having said so, the Respondent No.2 is hereby directed to examine the case of the applicant in the light of the documents being submitted by the applicant with her representation and thereafter pass speaking and reasoned orders in accordance with law within a period of three months from the date of receipt of a copy of this order alongwith O.A. Needless to say that I have not expressed any opinion on the merit of this case.

6. The O.A. stands disposed of accordingly. No cost.


(Sadhna Srivastava)
Member(Judicial)

mps.