

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

O.A. No. 600 of 2005

Date of order : 12.09.2005

C O R A M

**Hon'ble Shri Mantreshwar Jha, Member (A)
Hon'ble Ms. Sadhna Srivastava, Member (J)**

Smt. Asharfi Devi

Vs.

Union of India and others.

Counsel for the applicant : Shri M.P. Dixit
Counsel for the respondents: Shri A. Pandey.

O R D E R (Oral)


By S. Srivastava, M (J):-

The applicant has sought direction being given to the respondents to grant her family pension under Central Government Family Pension Scheme , in the light of the order passed by this Tribunal in OA 102 of 2001 dated 29.11.2001. Further, there is a prayer to direct the respondents to pay the family pension and its arrear to the applicant with effect from 17.10.2003 i.e from the date of death of her husband together with 20 % compound interest..

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2. According to the applicant, as alleged in the OA , her husband , late Jagdish Singh was appointed in the Coal Board on 19.7.1964 as junior Clerk and worked there upto 31.3.1975; thereafter absorbed in the Public Sector undertaking with effect from 1.4.1975, after having rendered more than 10 years of service in the Central Government. He was granted pensionary benefits, including pension with effect from 1.4.1975 and commuted value of pension was also allowed after completion of 15 years. He died on 17.10.2003 , but the applicant has denied family pension. Hence this OA.

3. The learned counsel for the applicant has submitted that since the applicant's husband was ex-employee of Coal Board, which come under the Ministry of Coal where he was granted pensionary benefits, and as such after his death his wife is entitled for family pension. In support of his arguments, the learned counsel for the applicant has quoted various judgments given by this Bench and has also filed copy of the order of this Tribunal passed in OA 102 of 2001 dated 29.11.2001 decided by Ranchi Circuit Court. The learned counsel for the applicant has




submitted that this application can be finally disposed of at the admission stage itself by giving a similar direction which has been given in OA 1015 of 2002 and OA 220 of 2003.

4. Shri A. Pandey, the learned Standing Counsel appearing on behalf of the respondents submits that he has no objection if the case of the applicant is remitted to the concerned respondents to examine and verify the factual and legal status of the applicant from the official records and at the same time to examine her case in the light of the order already passed by this Tribunal in OA 102 of 2001 and OA 1015 of 2002.

5. Heard learned counsel for the parties and perused the materials available on record. We feel that this OA can be disposed of at the admission stage itself, keeping in view the submissions made on behalf of the parties. The respondents can proceed in the matter, after making necessary verification and examination about the factual and legal status of the applicant.

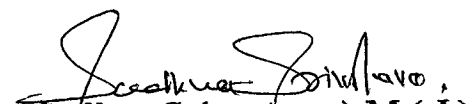
6. In view of the facts and circumstances stated above, the respondents are directed to examine/consider the case of the applicant for grant of family pension in the light of the order



passed by this Tribunal in various OA as referred to in OA 102 of 2001 decided on 29.11.2001 , and thereafter to pass reasoned orders in accordance with law in respect of grant of family pension to the applicant, as admissible under the rules, within a period of three months from the date of receipt of copy of this order along with copy of this OA.

7. If the applicant is found eligible for pensionary benefits, she will also be entitled to receive interest for delay in making payment of such pensionary benefits as admissible under the rules. In order to avoid any delay, the applicant is hereby directed to serve copy of the order passed in OA 102 of 2001 dated 29.11.2001 along with certified copy of this order.

8. The OA is , accordingly, disposed of without any order as to costs.


(Sadhna Srivastava) M (J)


(Mantreshwar Jha)M (A)

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