

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.687/2000

THURSDAY the 2nd day of MAY 2002

Smt. Kalubai Kalawati
Residing at Kate Lane,
Talegaon Dhamdhere
Taluka Shirur, District Pune.

...Applicant.

By Advocate Shri J.M. Tanpure.

V/s

1. Union of India through
The General Manager
Central Railways
Mumbai CST.
2. The Divisional Railway Manager
(Personnel Branch)
Central Railway, Solapur.

...Respondents.

By Advocate Shri V.D. Vadhavkar

ORDER(ORAL)

{Per S.L.Jain, Member(J)}

This is an application under Section 19 of the Administrative Tribunals Act 1985 for the declaration that the applicant is entitled for family pension after the death of her husband on 28.9.1995 alongwith arrears of family pension with 18% interest and compensation for not paying family pension in time.

2. Heard the learned counsel for the applicant for sometime. The learned counsel for the applicant stated that in view of letter dated 25.4.2002 from C.C.O.R.Daund has send a declaration of the employee wherein name of the applicant as his wife is mentioned.

S.L.Jain

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3. In such circumstances the only available remedy to the applicant is either pursue the matter with the respondents for family pension or to get the OA decided on the basis of the record and the order passed by the respondents for which a Judicial Review is sought. No fresh evidence can be taken into consideration while deciding such cases.

4. The Tribunal exercise Jurisdiction about Judicial Review and not to enter in the shoes of the respondents and decide a matter afresh.

5. As per request, the respondents are directed to take a decision in respect of reply of C.C.O.R.. Daund dated 23.4.2002. If a representation is made by the applicant, the respondents to consider the representation within a period of three months from the date of receipt of representation. Thereafter, if any grievance subsists the applicant can agitate the matter in accordance with law.

6. This is a case where status of husband and wife is in dispute. The Tribunal is no one to advise any one, but this being a matter of family pension and since the applicant proceeded with the application for succession without arryng the respondents as party, the status of the applicant is to be determined by Competent Court and in presence of the respondents. If the applicant desires to do so she may agitate the matter in proper forum. The OA stands disposed of. No costs.

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Order/Judgement despatched
to Appellant, Respondent(s)
on 14/6/02

S.L.Jain
(S.L.Jain)
Member(J)