

(21)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. No. 462/94.

DT. of Decision : 19-9-94.

Smt. Silar Bee

.. Applicant.

Vs

1. Sr. Divl. Personnel Officer,
SC Rly, Guntakal.

2. Sr. Divl. Accounts Officer,
SC Rly, Guntakal.

.. Respondents.

Counsel for the Applicant : Mr. N. Raman

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

THE HON'BLE SHRI A.B. GORTHY : MEMBER (ADMN.)

(Handwritten signature)

O.A.No.462/94

Dt.of order:19.9.1994

ORDER

(As per Hon'ble Shri AV Haridasan, Member(J))

One Shri Abdul Razack retired from the services of the South Central Railway, Guntakkal on 11.11.1962. He died on 13.10.1980, till which date, he was receiving pension. The applicant is the legally wedded wife of the deceased Shri Abdul Razack. She made a claim for family pension vide her letter dated 21.10.1992. The railway administration on receipt of this letter, ~~verified~~ the records and found, that another lady, by name, Smt Mahaboob Bee, had in the year 1985, made a claim for family pension by producing necessary heirship certificate and service certificate and she was paid the arrears of family pension and was getting family pension every month. Since the name of the applicant was seen recorded in the office records as the wife of Shri Abdul Razack, the Railway administration immediately stopped payment of pension to the above said Mahaboob Bee, and started paying family pension to the applicant with effect from 1.1.1993. The applicant herein, Smt Silar Bee, though is in receipt of the family pension with effect from 1.1.1993, is aggrieved by the fact that the Railway administration did not pay her the arrears of family pension, from the date of death of her husband till 31.12.1992. It is under these circumstances that Smt Silar Bee, the applicant herein, has filed this application

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praying that the respondents may be directed to pay the applicant the entire arrears of family pension from 14.10.1980 to 31.12.1992. It is alleged in the application that the payment to the other woman, Mehaboob Bee was something for which ^{She} there is no accountability ^{Suit} as the Railway administration erred in paying the family pension to a person who did not deserve it, ^{the applicant contends} in the circumstances, ^{and} interests of justice needs a direction to be given to the respondents to pay the applicant the entire arrears of family pension.

2. The respondents in their reply have contended that though the pensioner, Shri Abdul Razack died on 13.10.1989, the claim for family pension was made by the said Smt Mehaboob Bee only in the year 1985, producing original service certificate, as well as the heirship certificate from the MRO, and that, it was ^{under such circumstances} so ~~that~~ the family pension with arrears upto 1986 happened to be paid to her. They have further clarified that on verification, finding that the applicant ^{was} ~~is~~ the person nominated by the deceased Shri Abdul Razack, as the person who should receive the family pension, payment of pension to Smt Mehaboob Bee has been stopped and the family pension is being paid to the applicant from 1.1.1993 onwards. The respondents contend that as the applicant did not make any claim for family pension in time and as the payment was bonafide

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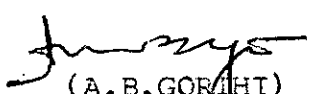
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made to Smt Mehaboob Bee, the claim of the applicant for arrears of family pension is not sustainable.

3. We have perused the pleadings and have also heard the counsel for either parties.

4. Though it has been stated that the ^Railway administration has not been careful and vigilant in granting family pension with arrears to Smt Mehaboob Bee, the fact that the applicant did not make any claim for family pension for nearly 12 years after the death of her husband can also not be forgotten. The fact that the applicant is an illiterate does not alter the situation.

She, who ^{because} ~~is~~ entitled for family pension on the death of her husband should have put-forth her claim in time. The railway administration has immediately on receipt of the claim ^{from} ~~by~~ her (the applicant), without any loss of time, settled the issue and started payment of pension to the applicant. Under ~~these circumstances~~, ^{were made} the earlier payments to Smt Mehaboob Bee ~~was also~~ on the basis of certain documents issued by competent ~~authority~~-revenue officials. Under these circumstances, we are of the considered ~~view~~ that on account of the delay and laches on the part of the applicant, she is not entitled to claim arrears of ^{family} pension which is the subject matter of this application. In the result, the application fails and the same is dismissed without any order as to costs.



(A.B. GORHI)
Member(A)


(A.V. HARIDASAN)
Member(J)

Dated: The 19th September, 1994

Dictated in the open court

mvl


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Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR.A.V.HARIDASAN : MEMBER(J)

AND

THE HON'BLE MR.A.B.GORTHI : MEMBER(A)

Dated: 19/9/94

ORDER/JUDGMENT. ✓

~~M.A./R.P/C.P/No.~~

D.A.NO.

in 4621ay

T.A.NO.

(W.P.NO.)

Admitted and Interim Directions
Issued.

Allowed.

Disposed of with Directions.

Dismissed. ✓

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to

Central Administrative Tribunal
DESPATCH
- 4 OCT 1994
HYDERABAD BENCH. Y. KR

23/9/94

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