

(16)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO. 1489 of 1995

DATE OF ORDER: 6th August, 1996

BETWEEN:

Smt. Sayeeda Begum

.. Applicant

and

The Sr.Divisional Personnel Officer,
South Central Railway,
Secunderabad, (A.P).

.. Respondent

COUNSEL FOR THE APPLICANT: Shri P.NAVEEN RAO

COUNSEL FOR THE RESPONDENT: SHRI V.RAJESWAR RAO, Addl.CGSC

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

JUDGEMENT

(AS PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.))

Heard Shri Bala Mukund for Shri P.Naveen Rao, learned counsel for the applicant and Shri V.Rajeswara Rao, learned standing counsel for the respondent.

2. The applicant is the wife of one late Shri Khaja Sirajuddin. It is stated that he died while working as Cabinman at Railway Station, Peddampet, South Central Railway, on 22.11.1987 due to prolonged ailment. A death certificate issued by the Municipal Administration, Malkajgiri is enclosed as Annexure I which shows his date of death as 22.11.1987. This certificate does not indicate occupation of the applicant's husband earlier to

D

his death. It is stated that the applicant herein filed a number of representations for payment of family pension to her. It is further averred that no reply has been given to those representations. One of the representations dated 9.9.94 said to have been submitted by her is at Annexure-III. Annexure-IV is the affidavit of the family size of the applicant. The applicant though submitted representations has not received any reply in connection with the payment of family pension to her.

3. Aggrieved by the above, she has filed this OA praying for a direction to the respondents to pay the service benefits which have accrued to the account of late Shri Khaja Sirajuddin, her husband, (Staff No.10072) and the arrears of pension from the date of death till the regular payment of pension with interest at 24% per annum.

4. No reply has been filed inspite of the fact that the notice was issued on 5.12.95 and the case was admitted on 8.3.96. It is listed today at the request of the respondent's counsel. Even today no reply has been filed and time was prayed for by the learned standing counsel for the respondent for filing reply. This being a case of a poor widow, I do not think the case can be adjourned indefinitely. Hence the case is disposed of on the basis of the material available on record.

5. The learned standing counsel for the respondent submitted that the records are not available. This is a bald statement without indicating as to how they come to

such a conclusion. Efforts taken to locate records was also not indicated. Hence it has to be held that this statement cannot be taken as ^{the} a face value. Husband of the applicant had died in 1987 and at least some records such as SR, Pay sheets etc. should be available. Hence the respondents, instead of rejecting the case stating that no records are available, ~~they~~ should make efforts to locate the available records. On the basis of the available records, the applicant has to be replied suitably for her representation.

6. The applicant in this OA has not given any details of her husband in regard to his entry in service etc. She only states that her husband died on 22.11.87 while working as Cabinman at Peddampet Railway Station of South Central Railway. In view of the above scanty details available, the respondent should check the available records with them and decide the issue in regard to payment of pension and other pensionary benefits to the applicant, if she is entitled. The lone respondent in this OA should scrutinise her representation dated 9.9.94 (Annexure-III) on the basis of the available records and reply her in accordance with the rules within a period of five months from the date of receipt of a copy of this order.

7. In the result, the respondent should examine the available records in his custody and reply the applicant in regard to her representation dated 9.9.94 (Annexure-III) within a period of five months from the date of

11

(90)

: 1189

OA.1489/95.

: 4 :

Copy to:-

1. The Sr. Divisional Personnel Officer, South Central Railway Secunderabad. (A.P.)
2. One copy to Sri. P.Naveen Rao, advocate CAT, Hyd.
3. One copy to Sri. V. Rajeswara Rao, Addl. CGSC, CAT, Hyd.
4. One copy to Library, CAT, Hyd.
5. One spare copy.

Rsm/-

9/14/85

DA-1489/95

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

DATED:

6/8/96

ORDER/JUDGEMENT

G.A. NO. / R.A. / C.P. NO.

in

G.A. NO.

1489/95

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

YLKR

II COURT

