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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 1057/95.

Dt. of Decision : 5-8-96.

Smt. T. Munemma

.. Applicant.

Vs

1. The Union of India, Rep. by its Secretary, Min. of Railways, Railway Bhavan, New Delhi.
2. The Union of India, Rep. by its Secretary, Dept. of Personnel, Pension and Welfare, New Delhi.
3. The Chief Personnel Officer, SC Rly., Rail Nilayam, Secunderabad.

.. Respondents.

Counsel for the Applicant : Mr. M. Srinivasa Rao

Counsel for the Respondents : Mr. J. R. Gopala Rao, SC for Rlys.

CCRAM:

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

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ORDER

Oral Order (Per Hon'ble Shri R.Rangarajan, Member (Admn.)

Heard Mr.M.Srinivasa Rao, learned counsel for the applicant and Mr.J.R.Gopala Rao, learned counsel for the respondents.

2. The applicant in this OA is the wife of Late Mr.Basappa, who joined in railway service on 3-7-52 and died on 13-7-62. At the time he joined the service there was no pension scheme in railways. The pension scheme was introduced some time in 1957 and option was given to the Profident Fund optees to come over to the pension scheme. The first option was given during the period from 1-1-1962 to 31-8-62. Though the applicant was in service ^{during the above period} and died only on 13-7-62 it is stated that he had not submitted any option to come over to the pension scheme. The applicant relies on the judgement of the Bombay Bench of this Tribunal in OA.27/87 decided on 11-11-87 to state that her husband should be deemed to have ~~been~~ come to the pension scheme and on that basis she is eligible to get family pension. ~~But~~ She submitted a representation dt. 26-9-94 (Annexure A-1) for getting the family pension. It is stated that no reply has been filed in this connection.

3. This OA is filed for granting her family pension from 13-7-62 with 18% interest.

4. There is no reason to believe that he has submitted any option form to come over to the pension scheme. Be that as it may, the Bombay Bench has given certain direction for granting of pension to those who retired during the period from 1-4-69 to 14-7-72. It is for the consideration of the respondents to see

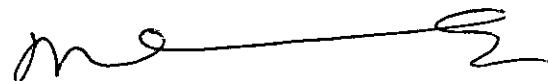
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whether that direction can hold good in this case also. In her representation dt. 26-9-94 she has not made any mention in regard to this judgement of the Bombay Bench of this Tribunal. Probably being illiterate ^{be} she may not knowing the existence of this judgement. In any case no decision can be given in this case in view of the present rule position. However her case needs sympathetic consideration by the respondents in view of the fact that she is very old, illiterate and starving.

5. In view of the above, no decision can be given in this OA except directing the respondents to dispose of her representation dt. 26-9-94 (Annexure A-1) in accordance with law.

6. The OA is disposed of as above. No costs.



(R. Rangarajan)
Member (Admn.)


Dy. Registrar (S)

Dated : The 5th August 1996.
(Dictated in Open Court)

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O.A.1057/95.

Copy to:-

1. The Secretary, Min. of Railways, Union of India, Railway Bhavan, New Delhi.
2. The Secretary, Dept. of Personnel Pension and Welfare, Union of India, New Delhi.
3. The Chief Personnel Officer, S.C.Railway, Railnilayam, Secunderabad.
4. One copy to Sri. M.Srinivasa Rao, advocate, CAT, Hyd.
5. One copy to Sri. J.R.Gopala Rao, SC for Rlys, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

27/8/96

1057/96

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COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED: 27/8/96

ORDER/JUDGEMENT

D.A. NO./R.A./C.P. NO.

D.A. NO.

1057/95

ADMITTED AND INTERIM DIRECTIONS ISSUED
~~ALLOWED~~

~~DISPOSED OF WITH DIRECTIONS~~

DISMISSED

DISMISSED AS WITHDRAWN

~~ORDERED/REJECTED~~

~~NO ORDER AS TO COSTS.~~

YLR

II COURT

No Spore Copy

केंद्रीय प्रशासनिक अधिकार अधिकार
Central Administrative Tribunal

DESPATCH

21 AUG 1996

हैदराबाद आधिकार
HYDERABAD BENCH