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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

M.A.No.1059/95 in OA.Sr.3486/95

+ O.A.No. 1194 of 1996.

Date of Decision : 04-10-96

MANDAOI LUDRAMMA

.. Applicant.

Vs.

The Sr.Divl. Personnel Officer,
SC Railway,
Divisional Offices,
Vijayawada-520 001,

.. Respondent.

Counsel for the Applicant : Mr. J.M.Naidu

Counsel for the Respondent : Mr. K.Siva Reddy,SC for
Rlys.

CORAM:-

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



ORDER

ORAL ORDER (PER HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.))

Heard Mr. J.M.Naidu, learned counsel for the applicant and Mr.K.Siva Reddy, learned counsel for the Respondents.

2. This MA is filed for condoning the delay of 3 years 4 months and 23 days in filing this OA.

3. The OA is filed for payment of family pension to the applicant who is the widow of one late Mr.M.Yesob. It is stated that the husband of the applicant joined as regular Gangman under the Permanent Way Inspector, SC Railway, Vijayawada on 29-12-69. ^{further} It is Lstated that he was medically decategorised by the order dated 2-11-69 and he was found fit only for C1 category. He was granted leave after that period as per the details given in Page-3 of the OA. Finally, he was discharged from service on and from 17-1-71. The husband of the applicant died on 1-8-78 leaving his wife and four children. Thereafter the applicant herein submitted representation for grant of family pension to her. Her representation was disposed of by the impugned order No.B/P.500/Family Pension dated 24-6-91 (Annexure-I). It is stated in the impugned order that her husband is not entitled for pension as he had put in net qualifying service of only 8 years 4 months and 23 days. As her husband was not entitled for pension she is also not entitled for family pension.

4. The learned counsel for the applicant submits that the late employee had put in 12 years and 19 days of service and hence it cannot be said that he has not fulfilled the rules for

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getting pension as he has put in more than 10 years of qualifying service. ~~she~~ further submits that certain period was not properly ~~treated~~ ^{Granted} as a qualifying service. However, the learned counsel for the respondents submit that ~~the~~ period ^{was} not counted as a qualifying service as he was unauthorisedly absent and hence he cannot claim that period for qualifying service. The applicant had submitted a representation dated 10-10-95 (Annexure-V) to the DRM and also requested for personal interview with the DRM by her representation dated 30-10-95 (Annexure-6). It is stated that these two representations are yet to be disposed of.

5. In view of the above, ~~the~~ OA ^{can} be disposed of by directing the respondents to dispose of her representation dated 10-10-95 (Annexure-5) in accordance with law after giving her a personal interview as requested by her in her representation dt. 30-10-95. The applicant is permitted to take ~~a~~ suitable assistance from ~~the~~ co-employee while meeting the DRM.

6. As the order of rejecting the payment of family pension was issued to her way back on 24-6-91 and as the OA was filed only on 16-11-95, the delay in filing the original application has to be condoned, if the OA is to be disposed of as above. The payment of family pension is a continuing cause of action. Hence, the MA for condoning the delay has to be disposed of basing on the usual order being followed in this Tribunal. Accordingly MA.1059/95 is allowed subject to the condition that in case the respondents take a favourable decision to her representations dated 10-10-95 and 30-10-95 the applicant is entitled for family pension only from 16-11-94 i.e., one year prior to filing of this OA (This OA was filed on 16-11-95). Register the OA.

7. In the result, the following direction is given in the OA:-

The Divisional Railway Manager, Vijayawada Division should dispose of the representation of the applicant dated 10-10-95 in accordance with rules. The applicant should also be given a personal hearing before disposal of her representation. While she attend the personal interview she is permitted to take a co-employee to submit her case to DRM as she is ~~an illiterate~~. In case her representation is disposed of in her favour, she is entitled for family pension only from 16-11-94.

8. The MA and the OA are disposed of as above.



(R. RANGARAJAN)
MEMBER(ADMN.)

Dated : The 04th October 1996.
(Dictated in the Open Court)

SPR


D.R.S.

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M.A.NO.1059/95 in O.A.1194/96

Copy to:-

1. The Senior Divisional Personnel Officer,
South Central Railway,
Divisional Offices,
Vijayawada.
2. One copy to Mr.J.M.Naidu, Advocate,
CAT,Hyderabad.
3. One copy to Mr.K.Siva Reddy, SC For Railways,
CAT,Hyderabad.
4. One copy to Library,CAT,Hyderabad.
5. One duplicate copy.

YLKR

12/10/96

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THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED:

4.10.86

ORDER/JUDGEMENT

R.A./C.P./M.A. NO. 1059/85

in

D.A. NO. 1184/86

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS
DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

YLKR

II COURT

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

प्रेषण/DESPATCH

15 OCT 1986

HYDERABAD BENCH