

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR**

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**ORDER SHEET**

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**ORDERS OF THE TRIBUNAL**

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30.09.2014

OA No. 291/00500/2014 with MA 291/00361/2014

Mr. C.P. Sharma, Counsel for applicant.

Heard learned counsel for the applicant.

The OA as well as MA are disposed of by a separate order.

*Anil Kumar*  
(Anil Kumar)  
Member (A)

*Abdul*

OA No. 291/00500/2014 with MA 291/00361/2014

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH, JAIPUR.

**ORIGINAL APPLICATION No. 291/00500/2014**  
**WITH**  
**MISC. APPLICATION NO. 291/00361/2014**

**DATE OF ORDER : 30.09.2014**

CORAM :

**HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER**

Kanchan Devi wife of Late Shri Behrual Jaga, aged about 68 years. Resident of Village Nagrheda, Post Dabar, Tehsil Bamanwas, District Sawaimadhopur (Rajasthan).

... Applicant

(By Advocate: Mr. C.P. Sharma)

Versus

1. Union of India through General Manager, West Central Railway, Jabalpur (M.P.).
2. Divisional Railway Manager, Western Central Railway, Kota Division, Station Road, Kota Junction, Kota (Rajasthan).
3. Sr. Divisional Personnel Officer, Kota Division, Western Central Railway, Kota (Rajasthan).
4. Chief Signal Inspector, Western Central Railway, Bayana, District Bharatpur (Rajasthan).

... Respondents

(By Advocate: -----)

**ORDER**

**PER HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER**

The applicant has filed the present OA claiming for the retiral benefits of his deceased husband and also to release family pension instead of ex-gratia pension with effect from the date of the applicant's husband alongwith arrears with interest @ 18% P.A.

2. Heard the learned counsel for the applicant. He submitted that the applicant is a widow of Late Shri Behrual Jaga, who retired from service of the respondents in the year 1964 on the

*Anil Kumar*

OA No: 291/00500/2014 with MA 291/00361/2014

ground of medical invalidation. That the husband of the applicant expired on 05.10.1984. That even after his death, the applicant was not released any amount regarding PF or any other retiral benefits. The applicant was sanctioned ex-gratia pension vide order dated 23.12.1991 (Annexure A/1). That she was legally entitled to get family pension. The applicant has represented from time to time before the respondents but the respondents have not given any reply to her representations. The applicant has also given a notice of demand for justice dated 17.06.2014 (Annexure A/5).

3. The applicant has also filed an MA No. 291/00361/2014 for condonation of delay in filing the OA. The learned counsel for the applicant submitted that the issue of sanction of pension is a continuous wrong, therefore, the applicant is entitled for condonation of delay. In support of his arguments, he referred to the following judgments:-

- (i) Union of India & Others vs. Tarsem Singh  
Civil Appeal Nos. 5151-5152 of 2008  
(Arising out of SLP(C) Nos. 3820-3821 of 2008)  
Decided on 13.08.2008
- (ii) M.R. Gupta vs. Union of India & Others  
AIR 1996 SC 669
- (iii) Union of India vs. P.A. Rosha  
2012 (3) SCT 679 (Delhi High Court)

4. He also submitted that in view of the ratio decided by the Hon'ble Supreme Court in the case of Union of India & Others vs. Tarsem Singh (supra) and in view of the order of the Delhi High Court in the case of Union of India vs. P.A. Rosha (supra), the respondents may limit arrears of pension to a period of three

*Anil Kumar*

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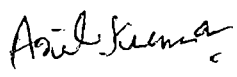
years from the date of filing of this OA. He also prayed that since the applicant's legal notice dated 17.06.2014 (Annexure A/5) has not been decided so far, therefore, the respondents may be directed to decide the same at an early date.

5. Having heard the learned counsel for the applicant, in the interest of justice, the respondents are directed to consider and decide the legal notice of the applicant dated 17.06.2014 (Annexure A/5) according to the provisions of law by a reasoned & speaking order expeditiously but in any case not later than a period of four months from the date of receipt of a copy of this order. The learned counsel for the applicant is also directed to supply a copy of the paper book of the present OA to the respondents alongwith a copy of this order.

6. If any prejudicial order is passed against the applicant on his legal notice, he is at liberty to file substantive OA.

7. With these observations and directions, the OA is disposed of with no order as to costs.

8. In view of the order passed in the OA, the MA No. 291/00361/2014 for condonation of delay in filing the OA stands disposed of.

  
(ANIL KUMAR)  
MEMBER (A)

Abdul