

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,  
JABALPUR

Original Application No 302 of 2005

Jabalpur, this the 2<sup>nd</sup> day of February, 2006.

Hon'ble Ms Sadhna Shrivastava, Judicial Member

Kasiya Bai W/o Late Shri Gulley Kahar, aged 57 years,  
R/o Behind SP Bungalow South Civil Lines, Tehsil &  
Distt - Jabalpur, M.P.

Applicant

(By Advocate - Shri Atul Choudhary)

VERSUS

1. Union of India, through the Secretary,  
Dept. of Ministry of Defence, New Delhi.
2. The Chief Engineer  
MES Jabalpur.
3. The Garrison Engineer (West)  
Jabalpur M.P.

Respondents

(By Advocate - Shri A.P. Khare)

ORDER (Oral)

Despite several opportunities granted to the respondents no written statement has been filed. This approach of the respondents towards the court is not appreciated.

2. By the present OA the applicant who is claiming herself a widow of Shri Gulley Kahar, seeks directions to the respondents to pay her pension along with arrears since the year 1992 when her husband disappeared and never came back. Under the provisions of Evidence Act, in such cases the person is presumed to be dead after expiry of 7 years from the date when he was last heard and seen. It is alleged in the OA that the husband of the applicant retired on 31.7.84 after attaining the age of superannuation and he received the pension till 1992. In the year 1992, Shri Gulley Kahar disappeared and never



returned back to the house and the applicant had lodged an FIR in Rewa Police Station. The applicant is an illiterate woman who at that time did not know of her legal right and had no access to any information about her right for family pension and the remedy to enforce such right. The applicant number of times orally requested the respondent No.2 regarding payment of family pension but no action has been taken by the respondents.

3. Be that <sup>as</sup> it may, in the background <sup>of</sup>, all the facts of the case detailed above, I am of the opinion that it requires <sup>of</sup> scrutiny of the records, so as to come to the right conclusion with regard to the factual aspects of the matter, I am of the considered view that to meet the ends of justice, this matter may be disposed of, as also prayed by the applicant (parties), at this stage itself, with a direction to the respondent No.3 that this OA so filed, rather be treated a fresh representation, which may be made available by the applicant to the concerned respondents within 15 days from today, and after receiving the same, the respondent No.3 has to scrutinize the same, relating to the factual aspects of the matter in the background of the claim, so made by the applicant and after scrutinizing the same and also if demanded, giving a personal hearing to the applicant as to put her case, the same be disposed of by a speaking order in accordance with law within a period of two months from the date of receipt of a copy this order, alongwith the copy of the OA. The matter thus stands accordingly, disposed of in terms of directions as above with no order as to costs.

*Sadhna Shrivastava*  
(Ms. Sadhna Shrivastava)  
Judicial Member

पृष्ठंकन सं जो/न्या.....जबलपुर, दि.....  
परिचय नि. कार्य नि. सं. ....  
(1) सचिव, जलपुर  
(2) जलपुर  
(3) प्र. नि. जलपुर  
(4) सचिव, जलपुर  
सूचना एवं आवाज

*Akul Chaudhary Adv. B.P.*  
*A.P. Khan Adv. B.P.*

*Handwritten signature and date*  
6-2-06

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जबलपुर