

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JABALPUR BENCH : JABALPUR

Date of Order :- 16.02.2006

Registration No.OA-562 of 2005

C O R A M

Hon'ble Km Sadhna Srivastava, Member (J)

Kaptan Rao, Son of late Dhannu Mahipat, C/o Govind Rao, 285,
Manjupath, Dixitpura, Jabalpur

..Applicant

-By Ku. Arpana Singh, Advocate

Versus

1. Union of India, through Secretary, Ministry of Railways, Rail Bhawan,
New Delhi.
2. Divisional Railway Manager, West Central Railway (Personnel), Jabalpur

... Respondents

-By Shri S.P.Sinha, Advocate


ORDER

Hon'ble Km Sadhna Srivastava, Member (J):- By means of the present OA the applicant has sought a relief for quashing the order dated 26.5.2005 (Annexure-A-1) through which the claim of the applicant for grant of disability ex-gratia pension has been rejected.

2. The perusal of the order dated 26.5.2005 shows that the claim of the applicant has been rejected on five grounds. Mainly the respondents have stated that the applicant had not provided any certificate which could establish that the father of the applicant was a railway employee and secondly, the applicant had also not produced any evidence that he is son of Dhanu Mahipat who was the Railway employee.

3. In the reply the respondents have justified the letter dated 26.5.2005. The applicant has filed rejoinder and also an application for summoning certain documents. The applicant has also filed MA-73 of 2006 for taking documents on record. In response of rejoinder the respondents have filed reply through which it has been categorically admitted that the father of the applicant was Railway employee who died on 16.4.1996 and was not a pensioner. The mother of the applicant was getting ex-gratia pension at the rate of Rs.150/- per month. In view of this, the grounds taken by the respondents in the impugned order dated 26.5.2005 fall. Since for deciding the question raised by the applicant certain relevant documents in respect of the service record of the applicant's father are required to be examined. The reply submitted by the respondents shows that the respondents have not scrutinised service record of the applicant's father. In the circumstances the applicant is directed to file a detailed representation annexing all the documents and evidence including those which have been filed before the Tribunal within a period of 15 days before the respondent no.2 from the date of receipt of this order and the respondent no.2 is directed to pass a reasoned and speaking order giving specific findings in respect of each ground taken by the applicant in his representation within a period of 2 months thereafter. It is made clear that this order is being passed without expressing any opinion on the merit of the case.

4. In these circumstances the impugned order dated 26.5.2005 is quashed. There shall be no order as to costs.


(Sadhna Srivastava)
Member (J)

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पूठांकन सं ओ/न्या.....जबलपुर, दि.....

पतिलिपि अर्पित:-

- (1) सचिव, उच्च न्यायालय चार एडवोकेटजन, जबलपुर
- (2) आवेदक श्री/श्रीमती/कु.....के काउंसल
- (3) प्रत्यर्थी श्री/श्रीमती/कु.....के काउंसल
- (4) मंडपाल, कोप्रअ, जबलपुर न्यायापीठ सचिना एवं आवश्यक कार्यवाही हेतु

Arpna Singh, B.A. J.B.P.

S.P. Singh, B.A. J.B.P.

16/2/06
रजिस्ट्रार

Received
16-2-06