

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 472 of 2003

Jabalpur, this the 5th day of December, 2003

Hon'ble Shri G. Shanthappa, Judicial Member

Sohadra Bai, W/o, Khuman Singh,
aged about 58 years, R/o. Vill :
Niwari, P.O. Nainpur, Distt : Mandla, M.P. ... Applicant

(By Advocate - None)

V e r s u s

1. The Union of India, through
The General Manager, S.E. Rly.,
Calcutta, Garden Reach, Kidderpore.
2. Divisional Railway Manager,
S.E.R., Nagpur Division, Nagpur.
3. Divisional Personnel Officer,
S.E.R., Nagpur Divn. Nagpur ... Respondents

(By Advocate - Shri H.B. Shrivastava)

O R D E R (Oral)

The applicant has sought relief to direct the Railway Authority to make payment of family pension from 30.06.1999 i.e. the day following the death of her son Shri Govind Prasad who died in harness on 29.06.1999 with delayed payment of interest and also further prayed for appointment on compassionate ground to her second son i.e. the brother of the deceased Govind Prasad.

2. The case of the applicant is that her son late Govind Prasad died in harness on 29.06.1999 leaving behind herself, her second son and other members. The husband of the applicant was also a Railway employee. The respondents have not considered the representation of the applicant vide Annexure A-3 dated 31.10.2002 for grant of family pension in her name due to the death of her first son late Govind Prasad. The applicant has also asked for compassionate appointment for her second son, since the second son is also the dependent of the deceased

Gh.

Govind Prasad. As the respondents have not considered the representation, she has approached this Tribunal for necessary relief.

3. Per contra the respondents have filed detailed reply contending that the applicant did not submit the family pension papers in prescribed proforma, photograph, bank account number etc. as well as conditions laid down in OM No. 45/51/97-D & PW(E), dated 05.03.1998 as circulated by the Railway Board letter No. F(E) III 98/PNI/4, dated 27.04.1998, has to be fulfilled in order to get the benefit of family pension as claimed by the applicant. The further contention of the respondents is that the appointment on compassionate ground to the brother of the deceased cannot be granted since the brother of the deceased is not treated as dependent of the deceased employee. Hence the relief regarding compassionate appointment shall not be granted.

4. If the applicant fulfilled all the conditions prescribed for grant of family pension vide OM and circular mentioned above the respondents are ready to pay the family pension in the name of the applicant.

5. The respondents have also submitted that some amount are deposited before the District Judge, Seoni M.P. on 16.05.2002 in case No. 72A/96, which was filed by Smt. Damayanti Bai first wife of the deceased Late Govind Prasad for recovery of Stree-Dhan. The said amounts mentioned in the reply, does not relate to the family pension.

6. The question involved in this OA is whether the applicant is entitled for family pension due to the death of her son.



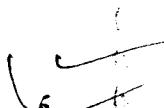
7. According to the submission of the respondents the first wife of the deceased Govind Prasad was divorced and only the applicant is the proper person to receive the family pension. If the applicant submits the prescribed proforma and also fulfil the conditions prescribed in the circular for grant of family pension then the respondents Department are ready to grant the family pension/ accordingly the applicant be directed to produce the prescribed proforma for claiming family pension alongwith the necessary documents as prescribed in the said circular.

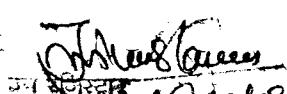
8. Inview of the above submission made by the respondents the said OA is disposed of with a direction to the applicant to submit the prescribed proforma for claiming the family pension in pursuance to the representation dated 31.10.2002 and she has to ~~also~~ comply all the conditions as provided in the OM and the circular referred above. The respondents are directed to sanction the family pension in view of the applicant's submission of the claim in prescribed proforma within a period of one month from the date of its receipt.

9. Accordingly, the Original Application stands disposed of invoking Rule 15 of the CAT (Procedure) Rules, 1987. No costs.


(G. SHANTHAPPA)
JUDICIAL MEMBER

"SA"


Shri M.R. Chandra Adw. J.B.
Shri H.B. Shrivastava Adw. J.B.


T. Shanthappa
16/12/03