

**CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH
CIRCUIT AT INDORE**

O.A. No.222/2002

Indore, this the 13th day of August, 2003

Hon'ble Shri Shanker Raju, Member (J)

Hon'ble Shri R.K.Upadhyaya, Member (A)

Smt. Kishan Bai ... Applicant
(As per memo of parties)

(By Shri. A.N. Bhatt, Advocate)

-versus-

Union of India & Ors. ... Respondents

(As per memo of parties)

(By Shri Y.I. Mehta, Sr. Advocate with Sh. D.S.Patel, Advocate)

ORDER (Oral)

By Shri Shanker Raju, Member(J)

In view of Rule 75 of the Railway Services (Pension) Rules, 1993, family pension is admissible to the widow of a family member of the deceased Railway servant ^{who} ~~but~~ dies after completion of one year continuous service.

2. It is stated that Applicant's husband was appointed as Casual Labour in the year 1968 and was regularized vide letter dated 4.5.1970 and died on 5.6.1971, claim of the applicant for family pension has not been considered by the respondents.

3. Learned counsel for applicant places reliance on a decision of this Bench in OA 222/2001, Smt. Ganga Bai v. Union of India & Others, decided on 7.5.2002 where a similar claim, being a recurring cause of action, has been considered and

directions have been issued to the respondents to take a decision by passing a detailed and speaking order.

4. We are of the considered view that being a recurring cause of action, the objection put forth by the respondents as to limitation cannot be countenanced and is over ruled.

5. OA is disposed of with direction to the respondents to consider the claim of the applicant for family pension in accordance with Rule 75 of the Rules ibid by a detailed and speaking order within three months from the date of receipt of a copy of this order. OA is disposed of accordingly. No Costs.

(Handwritten signature of R.K. Upadhyaya)

(R.K. UPADHYAYA)
MEMBER (A)

(Handwritten signature of S. Raju)

(SHANKER RAJU)
MEMBER (J)

/rao/

- पृष्ठंकल सं. ओ/का.....जबलपुर, दि.....
- प्रतिपक्षितः -
- (1) सचिव, जल संयंत्र, जबलपुर, जबलपुर
 - (2) अध्यक्ष, जल संयंत्र, जबलपुर, जबलपुर
 - (3) सचिव, जल संयंत्र, जबलपुर, जबलपुर
 - (4) अध्यक्ष, जल संयंत्र, जबलपुर, जबलपुर
- सूचना एवं आवश्यक कार्रवाई हेतु

adu.
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y. I mehta Enclose

(Handwritten signature)
24/8/03

Issued
on 28.8.03
BS