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NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

07.09.2009

O.A. 32/2009 A/W M.A. 263/2009

Present : None for the applicant.

Mr. R.L. Agarwal proxy counsel for

Mr. Alok Garg counsel for the respondents.

Written statement not filed. Learned proxy counsel for respondents states that they have already filed a M.A. No. 263/2009 in this O.A. wherein it has been stated that the applicant has now been found entitled to the family pension. A letter dated 20/07/2009 has already been sent to the counsel for the applicant for submission of the requisite documents in favour of her claim for the family pension. Learned proxy counsel for the respondents requests that the matter may be placed before the Hon'ble Bench for consideration of M.A. No. 263/2009. Let the matter be placed before the Hon'ble Bench on 15/09/2009 for consideration/appropriate orders.



(Gurmit Singh)
Deputy Registrar

Vv

15-9-2009

O.A. 32/2009 with M.A. 263/2009

Sh. Ankur Mathur, Counsel for Applicant
Ms. Sonal Singh proxy for Sh. Alok Garg
Counsel for respondents

Heard: Counsel for parties.


For the reasons to be dictated separately, the

OA is disposed of.



(M.L. Chaurhan)
Member (Judicial)

Me

Reply not filed.


Central Administrative Tribunal
Jaipur Bench, JAIPUR

OA 32/2009
With MA.263/2009

This the 15th day of September, 2009

Hon'ble Shri M.L. Chauhan, Member (Judicial)

Raj Rani Soni
Aged 58 years
D/o Late Shri Sri Ram Gupta,
R/o C-6, Apollo Apartment
Sector No.3, Vidhyadhar Nagar,
Jaipur(Raj.)

...Applicant

(By Advocate: Shri Ankur Mathur)

- VERSUS -

1. Union of India through
The Secretary,
Railway Board, Govt. of India, Rail Bhawan,
New Delhi.

2. The Sr. Dy. General Manager,
North Western Railway,
Near Railway Station, Jaipur,

3. The Senior Divisional Finance Manager(Admn.)
Northern Western Railway,
Ajmer(Raj.)

.....Respondents

(By Advocate: Ms. Sonal Singh proxy for Shri Alok Garg)

ORDER (ORAL)

The applicant has filed this OA thereby praying for the
following reliefs:-

- a) To direct the respondents to consider the request of the Applicant and grant her family pension in terms of Railway Board Order No. F(E)III/98/PNI/4 RBE No.152/2006 dated 13.10.2006 w.e.f. 25.8.2004 and pay arrears thereof alongwith interest @ 8 p.a. till the date of actual payment.

- b) Any other order, directions or relief as may be deemed fit, just and proper under the facts and circumstances of the case and are in favour of the applicant may also be passed.
- c) That the cost of this applicant may be awarded in favour of the applicant.

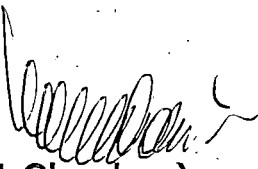
2. Grievance of the applicant is that respondents are not releasing the family pension to the applicant although she fulfills all the eligibility conditions as stipulated in the rules.

3. Notice of this application was given to the respondents and respondents have filed MA 263/2009. It is stated in the MA that nodoubt the claim of applicant for family pension was rejected on 12.12.2008 but subsequently pursuant to the Railway Board's instructions dated 16.3.2005 necessary amendment has been made and a condition of widow to be residing at her parental house has been removed and applicants has been held entitled for benefit of family pension. It is further stated that letter dated 20.7.2009(Annexure R-1) addressed to Advocate Shri Ankur Mathur and a copy endorsed to the applicant has also been sent whereby the applicant has been directed to remain present in the respondent's office so that her pension case can be processed. Learned counsel for applicant submits that widow has attended office of the respondents on 10.8.2009 and submitted requisite papers.

4. In view of what has been stated above, I am of the view that present OA does not survive at this stage and in the

interest of justice direction is required to be given to the respondents to settle the claim of the applicant expeditiously. Accordingly, respondent No. 2 is directed to pursue the matter and ensure that family pension is paid to the applicant expeditiously but not later than two months from the date of receipt of a copy of this order.

5. With these observations the OA as well as MA shall stand dispose of at this stage with no order as to the costs.


(M.L. Chauhan)
Member (Judicial)

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