

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 19th day of October, 2010

ORIGINAL APPLICATION NO. 441/2009

CORAM

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER

Miss Jamila Khan daughter of Late Shri Walter James Alias Aslam Khan, aged 44 years, resident of House No. F.5 Jagdamba Colony, Phulera, District Jaipur.

.....Applicant

(By Advocate: Mr. S.K. Jain)

VERSUS

1. Union of India through General Manager, North Western Railway, Hasanpura, Jaipur.
2. Divisional Railway Manager (Settlement), Jaipur Division, North Western Railway, Jaipur.
3. Senior Divisional Personal Manager, Jaipur Division, North Western Raiway, Jaipur.

.....Respondents

(By Advocate: Mr. Virendra Dave)

ORDER (ORAL)

The applicant, who is unmarried daughter of Late Shri Walter James Aslam Khan, has filed this OA thereby praying for the following reliefs:-

- "(i) That by an appropriate order or direction, the respondents be ordered to make payment of the family pension to the applicant with effect from 07.07.2008 or any other date as the Tribunal deems fit.
- (ii) That the applicant be granted the arrears of family pension with interest at the rate of Rs.18% p.a.
- (iii) Any other relief this Hon'ble Tribunal deems fit may also be granted."

2. When the matter was listed on 06.10.2009, this Tribunal passed the following order:-

"Heard learned counsel for the applicant.

Learned counsel for the applicant has drawn my attention to RBE No. 116/2007 whereby it has been provided that family pension to an unmarried daughter beyond 25 years of age, shall be admissible from the date of issue of the instructions of DOP & PW i.e. 06.09.2007 or from the date on which her turn for family pension materializes, whichever is later.

3. The respondents have filed reply. The fact that the unmarried daughter of the deceased employee beyond 25 years of age is also admissible for family pension in terms of Railway Board instructions dated 18.09.2007 is not disputed. The respondents in the reply affidavit have stated that the benefit of family pension in terms of the said notification could not be extended to the applicant as excess amount of Rs.52,446/- of family pension was made to the mother of the applicant namely Smt. Atika Begaum and only a sum of Rs.27,883/- has been recovered from her and remaining amount of Rs.24,613/- is still outstanding. It is further stated that in this regard a letter dated 12.10.2010 was also written to the concerned Bank. Thus under these circumstances, fresh PPO could not have been issued which can be issued only if the outstanding payment is adjusted and PPO of Late Smt. Atika Begaum is closed.

4. Learned counsel for the applicant has brought to the notice of this Tribunal the deposit receipt dated 21.09.2010 issued by Punjab National Bank, Phulera Branch, perusal of which shows that a sum of Rs.23,330/- has been deposited after adjusting, which according to the learned counsel for the applicant was the only amount remaining

outstanding on account of excess payment made to Late Smt. Atika Begaum.

5. In view of what has been stated above and the fact that according to the respondents PPO in respect of the applicant can only be issued only after excess amount, which was required to be adjusted on account of remaining excess pensionary benefits made to the mother of the applicant, has been deposited, the only direction which is required to be given in the facts & circumstances of the case is that the respondents shall take necessary steps in the direction of closing of the PPO in respect of Late Smt. Atika Begaum and issue fresh PPO in favour of the applicant within a period of two months from the date of receipt of intimation regarding closing of the PPO from the concerned Bank. It is further clarified that in case excess payment of the pensionary benefit in respect of Late Smt. Atika Begaum is still outstanding, in that eventuality, the concerned bank should give intimation to the applicant to that effect and such deficiency will be made within a period of seven days. The applicant is also directed to bring to the notice of the concerned bank the copy of this judgment so that follow up action can be expedited.

6. With these observations, the OA is disposed of with no order as to costs.



(M.L. CHAUHAN)
MEMBER (J)

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