

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.226/2018 with MA No.186/2018

This the 13th day of June, 2018

Bhartiben S. Kadam
D/o. Sahadev Kadam
Aged : 53 years
R/o. 133/1586, Dhiraj Housing Nagar
Near Raj Bhagat School, Maninagar (EAST)
Ahmedabad 380 008. **Applicant**
(Advocate : Ms. S.S.Chaturvedi)

Versus

1. Union of India, Notice to be served through
The General Manager,
Western Railway, Churchgate,
Mumbai 400 020.
2. The Divisional Railway Manager (E)
DRM's Office, Western Railway
Pratapnagar, Vadodara – 390004.
3. Senior Divisional Account Officer
DRM's Office, Western Railway,
Pratapnagar, Vadodara – 390004 **Respondents**

OR D E R – ORAL

Per : Hon'ble Shri Jayesh V. Bhairavia, Member (J)

Learned counsel Ms. S.S.Chaturvedi for the applicant submits that the father of the applicant was working as a Driver with the Western Railway and he retired from the service w.e.f. 05.1.1994. Thereafter, he was receiving pension. She further submits that the father of the applicant expired on 04.09.2015 whereas the applicant's mother died long back i.e. on 30.11.2005. It is the case of the applicant that the applicant is entitled to receive family pension as she being a dependent divorce daughter of the deceased. In view of this, the applicant has submitted her application in the month of November, 2016 and also furnished all details as per the requirement of Rules 92 & 100 (2) {Form No.10} for grant of family pension. However, *inspite* of numbers of effort made by the applicant, but the same is not yet considered. Learned counsel for the applicant further submits that the applicant's financial condition is very poor and not aware about the rules and regulations as well as limitation to approach the Tribunal and therefore, there is a delay of one and half hear in filing the present OA. She submits that for condonation of delay, the applicant has preferred separate

MA No.186/2018 and the same may be considered sympathetically.

2. Considering the peculiar facts and circumstances of the case, on hand, it is noticed that the grounds stated in the MA No. 186/2018 for condonation of delay are reasonable and acceptable and further considering the principle laid by the Hon'ble Supreme Court that the Tribunal while dealing with an application for condonation of delay shall adopt a liberal, pragmatic, non-pedantic and justice-oriented approach, I am of the view that delay in not approaching the Tribunal is required to be condoned. Accordingly, the same is condoned. MA No.186/2018 stands allowed of.

3. It is further contended by the learned counsel for the applicant that the applicant will be satisfied, if appropriate direction be issued to the respondents for considering the claim of the applicant in accordance with the rules for the purpose of grant of family pension.

4. Considering the peculiar facts and circumstances of the case, I am of the opinion that the applicant's claim is required to be considered by the respondents. Accordingly, the respondents

are directed to consider the case of the applicant for grant of family pension as she being a dependent divorce daughter of the deceased in accordance with the existing rules and within a period of three months from the date of receipt of a copy of this order.

5. In the light of the above, the OA is disposed of. No order as to costs.

(J.V.Bhairavia)
Member (J)

Nk