

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD.

Dated : This the **30th** day of **November** 2018

Original Application No. 330/00898 of 2018

Hon'ble Mr. Gokul Chandra Pati, Member – A

Smt. Gainda Rani @ Lakshmi Devi, W/o late Babu Lal, R/o 16, Gaghaura,
Orai, District Jalaun.

. . .Applicant

By Adv : Shri D.K. Gupta

V E R S U S

1. Union of India through General Manager, North Central Railway, Allahabad.
2. Divisional Railway Manager (Personnel), North Central Railway, Jhansi.
3. Senior Divisional Personnel Officer, Jhansi.

. . .Respondents

By Adv: Shri Raj Kamal Srivastava

O R D E R

Heard Shri D.K. Gupta, learned counsel for the applicant and Shri Raj Kamal Srivastava, learned counsel for the respondents.

2. This OA has been filed for granting the claim of family pension in favour of the applicant.
3. Respondents have issued impugned order showing that there is no documentary proof that the applicant is legally wedded wife of the deceased employee since the different name has been recorded in the service record of the ex-employee.
4. Applicant's counsel submitted that at this stage the grievance of the applicant will be redressed if his representation dated 15.06.2018 (Annexure A-4) submitted before Respondent No. 2 is decided in a time bound manner.

5. Learned counsel for the respondents objected to it on the ground that there is delay condonation application filed by the applicant, which is pending.

6. Misc. Delay Condonation Application No. 19895/18 has been filed by the applicant mentioning that the deceased employee was the husband of the applicant and after the death of her husband she is entitled for family pension. It is mentioned that due to financial difficulties the applicant could not file OA in time. Learned counsel for the respondents wanted time to file objection to the delay condonation application.

7. In view of the above submissions and taking into account that the fact that the family pension is a recurring cause of action, the delay condonation application is allowed.

8. In view of the limited prayer of the applicant, this OA is disposed of at admission stage with direction to Respondent No. 2 / competent authority to consider the representation of the applicant dated 15.06.2018 (Annexure A-4) as per the existing rules. The applicant is also at liberty to file fresh representation alongwith copy of his earlier representation dated 15.06.2018 and copy of this order annexing copy of legal heir certificate or succession certificate issued by a competent Court / authority if available with the applicant, before Respondent No. 2 / competent authority within 03 months from the date of receipt of copy of this order and on receipt of such a representation respondent No. 2 / competent authority shall decide the said representation within a period of 03 months from the date of receipt of the said representation, by passing reasoned and speaking order under intimation to the applicant. It is made clear that no opinion on the merit of this case has been expressed while passing the said order. There is no order as to costs.

(Gokul Chandra Pati)
Member (A)

/pc/