

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

OA No.060/00701/2018

Chandigarh, this the 24th day of October, 2018

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**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MRS. AJANTA DAYALAN, MEMBER (A)**

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Mohinder Kaur, aged 81 years, widow of LT-237 Ex-Wireman Sh. Harchand Singh S/o Sh. Baboo Singh, R/o VPO Latala, Tehsil & District Ludhiana (Now R/o VPO Kutba, Tehsil & District Barnala) (Group-C).

....APPLICANT

(Present: Ms. Poonam Verma, Advocate)

VERSUS

1. Union of India through General Manager, Northern Railway, New Delhi.
2. DRM, Northern Railway, DRM Office, New Delhi.
3. APO/Settlement, Northern Railway, State Entry Road, New Delhi.

....RESPONDENTS

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J):-

By means of the present Original Application (OA) filed by the applicant, Mohinder Kaur, aged 81 years old, a widow, is before this court, for issuance of a direction to the respondents to grant her family pension, on sad demise of her husband, Harchand Singh, alongwith arrears and interest thereon. This court, issued notice of motion on 01.06.2018, which was accepted by Mr. Sanjay Pathania, proxy for Mr. Lakhinder Bir Singh, Advocate. Court also granted time to the

respondents to file reply. Subsequently, on consecutive 3 dates of hearing i.e. on 02.08.2018, 20.08.2018 and 10.09.2018, none had appeared on behalf of the respondents. Today, again none puts in appearance on behalf of the respondents.

2. Ms. Poonam Verma, learned counsel for the applicant very fairly submitted that sufficient time has been given to the respondents to file reply, therefore, the applicant shall be satisfied, if the respondents are directed to decide her claim raised in pending legal notice dated 11.12.2017 (Annexure A-20), according to law and sympathetically considering that the applicant is a widow.

3. Considering the non-appearance of Mr. Lakhinder Bir Singh, Advocate, we are left with no other option, but to direct Mr. G.S. Sathi, Advocate, who also represents the Railway to appear and get the matter be settled by deciding the pending legal notice expeditiously, particularly by considering the fact that the applicant is a senior citizen and is running 81 years of age.

4. Mr. G.S. Sathi, Advocate submitted that the authorities be granted at least four weeks time, so that the claim of the applicant can be decided.

5. We have gone through the pleadings. We are surprised that inspite of succession certificate issued in favour of the applicant by competent court of law, the respondents have not bothered to decide her claim with regard to family

pension. Even they did not bother to decide her legal notice, which they are bound to do as per various judicial pronouncements by the Hon'ble Apex Court, by passing a reasoned and speaking order.

6. In the wake of the above noted facts, we are left with no other option, but to direct the respondents to take a call and decide legal notice dated 11.12.2017 (Annexure A-20), if they have not already done, within three weeks from today, by passing a speaking and reasoned order. If the applicant is held entitled for grant of family pension, the same be allowed, within 10 days thereafter, else a speaking and reasoned order be passed and conveyed to her.

7. Copy of the order be given **dasti** to learned counsel for the respondents, for compliance.

(AJANTA DAYALAN)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 24.10.2018.

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