

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH  
HYDERABAD**

**Original Application No.1106/2016  
Date of Order : 10.01.2018**

Between :

K.Ramu, S/o Late Thirupal,  
Aged about 36 years,  
Occ : Unemployed,  
R/o Rly Qtr No.644 A, Shantinagar,  
Guntakal – 515801.

... Applicant.

And

1. Union of India, rep. by its  
The General Manager, South Western Railway,  
Hubli.

2. The Divisional Railway Manager,  
Hubli Division, S.W. Railway,  
Divisional Office Compounds,  
Hubli.

3. The Senior Divisional Personnel Officer,  
Hubli Division, S.W. Railway,  
Divisional Office Compounds,  
Hubli.

... Respondents.

Counsel for the Applicant      ...Mr.N.Subba Rayudu, Advocate  
Counsel for the Respondents      ...Mr.S.M.Patnaik, S.C. for Rlys

***CORAM:***

**ORAL ORDER**

**{ As per Hon'ble Mr.K.N.Shrivastava, Member ( Admn.) }**

The applicant's father and mother were working in the Respondents Railway Department. Both of them died in harness. Mother died on 05.12 .1996, whereas father died on 11.09.1999 leaving behind two sons. Later the elder son also died. The applicant is the sole surviving sibling of his parents.

2. The applicant has claimed grant of family pension to him in terms of Rule 75 (6) of Railway Services (Pension) Rules, 1993, which reads as under :

*(6) The period for which family pension is payable shall be as follows:--*

- (i) in the case of a widow or widower, up to the date of death or remarriage, whichever is earlier;*
- (ii) in the case of a son, until he attains the age of twenty-five years ; and*
- (iii) in the case of an unmarried daughter, until she attains the age of twenty five years or until she gets married, whichever is earlier."*

3. The applicant submitted a representation dated 25.07.2001 in this regard to the respondents, who vide letter dated 23.10.2001 (page-7) directed him as under:

*"In reference to representation Dtd. 25.07.2001 cited above, on perusal of the pension papers of Lakshamma, s.wali who expd. on 5.12.96 and Sri Thirupal, S.Wala Fdr/HI/0/HPT expd. on 11.09.99, it is noticed that while submitting the pension papers by*

*Sri Thirupal while settling the case of Smt.Lakshmamma, there is no mention of your name in FCL, whereas in the FCL submitted by Sri Ramanjaneyulu while settling the case of Thirupal, s.wala/HPT, your name is shown as son furnishing D.O.Birth as 4.07.74.*

*In the transfer certificate issued by HM, S.J.P. School, Guntakal -515801, enclosed to the representation Dtd.25.07.2001, your Date of Birth is shown as 10.02.80.*

*It is therefore advised to clarify the correct D.O. Birth duly producing the date of birth certificate issued by Registrar of Birth and Deaths to examine your case.”*

4. The grievance of the applicant is that in spite of his producing the certificate of birth issued by the Department of Municipal Administration, Government of Andhra Pradesh and form of Transfer Certificate issued by the Head Master, S.J.P. High School, Guntakal that his date of birth is 10.02.1980, the respondents had not considered his request for the grant of family pension in terms of Rule 75 (6).

5. During the course of the hearing today, Sri S.M.Patnaik, learned counsel for the respondents fairly submitted that the respondents are willing to consider the case of the applicant for family pension, if he makes a fresh application enclosing therewith the requisite certificate in support of his date of birth and on receipt of such representation and after verifying the records as well as the documents submitted, they would pass the necessary order in regard to sanction of the family pension.

6. In view of the above, this OA is disposed of in the following terms :

(a) The applicant will submit a fresh representation for grant of family pension to him in terms of Rule 75 (6) of the Railway Services (Pension) Rules along with document in support of his date of birth.

(b) The respondents on receipt of such representation and after due diligence, shall decide the representation of the applicant within four months thereafter by way of passing a reasoned and speaking order.

(c) In case the applicant remains dissatisfied with the order to be passed by the respondents, he shall have liberty to take appropriate measure, as available to him.

7. There shall be no order as to costs.

**(K.N.SHRIVASTAVA)**  
**MEMBER (ADMN.)**

Dated : 10<sup>th</sup> January, 2018  
(Dictated in Open Court)

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