

CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH

...

Original Application No.290/00399/2016

Reserved on : 02.08.2018  
Pronounced on : 03 .08.2018

CORAM:

HON'BLE MRS. HINA P.SHAH, MEMBER (J)

Sunita Valiya w/o Late Shri Vinod Valiya, d/o Shri Ramprasad Valiya r/o House No.136, Sudarshana Nagar, Bikaner (Raj.)

...Applicant

(By Advocate: Shri Awar Dan Ujjwal)

Versus

1. Union of India through General Manager, North Western Railway Head Quarters, Jaipur (Raj.)

2. The D.R.M., North Western Railway, Bikaner.

3. The Divisional Personnel Officer, North Western Railway, Bikaner (Raj.)

...Respondents

(By Advocate: Shri Salil Trivedi)

ORDER

The applicant in the present OA has prayed for the following reliefs:-

a. That the respondent may kindly be directed to grant pension to the applicant.  
b. That the order/communication dated 25.08.2015 (Annex.A/5) (sic) may kindly be quashed and set-aside up to the extent of denial of pension to the applicant.

c. Any other appropriate relief which this Hon'ble Tribunal may deem just and proper in the facts and circumstances of the case may kindly be passed in favour of the applicant.

d. Application of the applicant may kindly be allowed with costs.

2. Brief facts of the case are as under:-

Father of the applicant was working as SOM under the respondent department and after retirement he was getting pension. After death of her father, her mother also died on 28.11.2007. After death of her father and mother, Smt. Vanita, who is sister of the applicant was getting family pension and after her marriage the family pension was stopped.

The applicant had submitted all the documents to the respondents for grant of family pension in her favour. Vide letter dated 25.08.2015, the respondents sent a communication to the applicant asking her to submit certain documents. It is her contention that in spite of submitting all the documents, the family pension has not been granted to

her. It is further contention of the applicant that her husband Shri Vinod Valiya died on 1.10.1994 and now she is widow. It is averred that as per letter dated 20th August, 2008 issued by the Railway Board, there is a provision to grant family pension to the widowed daughter, and therefore, she is entitled for the same.

3. The respondents have already filed their reply on 28.7.2017 submitting that the applicant is not entitled to family pension as per rules. It is their submission that bare perusal of the communication dated 25.8.2015 reveals that certain information was sought from the applicant, but the same was not provided and certain facts were also concealed by the applicant. They have also submitted that the Railway Board Circular dated 20.08.2008 relied upon by the applicant is not applicable in the case of the applicant.

4. Heard the learned counsel for the parties. During the course of arguments, the learned counsel for the applicant submitted that the grievance of the applicant will be met if her representation is reconsidered by the respondent department. It is pertinent to note here that the said representation has already been decided by the impugned order dated 25th August, 2015. Vide the said order dated 25th August, 2015, the respondents have further sought certain information/documents, which appears to be not provided by the applicant. It is the contention of the applicant that the said order does not meet with her grievance and, therefore, same be directed to be reconsidered so that grievance of the applicant would be met.

5. In these facts and circumstances, I deem it just and proper to dispose of the OA with a direction to the applicant to file a fresh representation within two weeks enclosing all the required documents/information as mentioned in the impugned order dated 25.8.2015 and thereafter the respondents are directed to pass a reasoned and speaking order in accordance with law within a period of four weeks from the date of receipt of the said representation. No costs.

(HINA P.SHAH)  
Member (J)

R/