

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.53/2018.

Date of Decision: 09.02.2018.

CORAM:HON'BLE SHRI ARVIND J. ROHEE, MEMBER (J)

Suvrna wd/of Tatoba Koli
 Occu: Aganwadi Teacher,
 R/at Jainapur, Tq. Shirol,
 Dist. Kolhapur 416 101. *Applicant*
(By Advocate Shri S.P. Koli)

Versus

1. Union of India,
 Through the General Manager,
 Central Railway, C.S.T.,
 Mumbai – 32. *Respondents*
2. Divisional Railway Manager,
 South Central Railway,
 Pune Division, Pune 411 001. *Respondents*

ORDER (Oral)

Per : Shri A.J. Rohee, Member (J)

Today when the matter is called out for admission, heard Shri S.P. Koli, learned Advocate for the Applicant. I have carefully perused the case record.

2. The Applicant claims to be the second wife of late employee Shri Tatoba Ishwara Koli, who was working under Respondent No.2 as Gatekeeper. He died on 22.02.2013. Thereafter, his first wife Smt. Tarabai Koli was sanctioned family pension. According to

applicant, she is also entitled to 50% share in the said family pension. For redressal of her grievance, she submitted a representation dated 13.01.2017 (Annexure A-4) to the Respondent No.2. However, nothing has been heard from the other end so far as stated by learned Advocate for applicant.

3. In this OA, the following reliefs are sought:-

“8.a) The Original Application may kindly be allowed.

8.b) To pass appropriate order in favour of present applicant to disburse the ½ th share of the family pension of deceased Tatoba Ishwara Koli as per the Rule 75(7)(1) family pensions Scheme of Railway Servants 1964.

8.c) To pass the appropriate order or direction in like nature and the Respondent No.1 and 2 may kindly be directed to disburse the ½ th share of the family pension of deceased Tatoba Ishwara Koli as per the Rule 75(7)(1) family pension scheme of Railway Servants 1964.

8.d) Any other suitable, equitable relief which this Hon'ble Tribunal think fit and proper in the peculiar facts and circumstances of the case may kindly be granted for the ends of

justice.”

4. Considering the fact that no decision has been taken by Respondent No.2 on the representation submitted by the applicant, there is no adverse order as such, which can be judicially reviewed by this Tribunal. In view of above, this Tribunal is of the opinion that ends of justice will be better served, if appropriate directions are issued in the matter.

5. The Respondent No.2 is, therefore, directed to consider and pass a reasoned and speaking order on the pending representation dated 13.01.2017 (Annexure A-4) of the applicant in accordance with law, within a period of eight weeks from the date of receipt of certified copy of this order.

6. The order so passed shall then be communicated to the applicant at the earliest, who will be at liberty to approach the appropriate forum, in case her grievance still persists.

7. The OA stands disposed of with the aforesaid directions at the admission stage, without issuing notice to the respondents and without making any comments on merits of

the claim and keeping legal plea regarding limitation open.

8. Registry is directed to forward certified copy of this order to both the learned Advocate for the parties at the earliest.

(A.J. Rohee)
Member (J)

dm.