

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.483/2018.

Date of Decision: 27.09.2018.

CORAM: HON'BLE SHRI R.N. SINGH, MEMBER (J)

Asha Chintamani Mahajan,
 Age 65 years, Occ: Household,
 R/at Mohan Nagar, Near Chandralok
 Apartment, Mahabad,
 Jalgaon 425 001.
(By Advocate Shri R.K. Singh)

... ***Applicant***

VERSUS

1. Union of India,
 Through the General Manager,
 Central Railway Head Quarter,
 CST, Mumbai 400 001.
2. The Divisional Railway Manager,
 Personal Branch, Central Railway,
 Mumbai Division, CST,
 Mumbai 400 001.
3. The Divisional Railway Manager,
 Bhusawal Division, Central Railway,
 Bhusawal 425 001.

... ***Respondents***

ORDER (Oral)

Per : Shri R. N. Singh, Member (J)

Heard the learned counsel for the Applicant. By way of present OA, the applicant, wife of late Shri Chintaman Keshvrao Mahajan, who was the employee of the Railway has prayed for the following reliefs:

“8(a) This Hon'ble Court may be pleased to pass an order in favour of the applicant and direct the respondents to have released the family pension

benefit and other benefits of the deceased husband Chintaman Keshvrao Mahajan, Identity Card No.137467 dated 04.08.1963 issued by the DS Bhusawal, Central Railway Bhusawal and be direct to the respondents have settlement the dues of the applicant's husband and handover the benefits to the applicant in the interest of justice.

8.b) Cost of this original application be provided for.

8.c) Any other and further relief, order as this Hon'ble Tribunal may deem fit and proper in the interest of justice.”

2. The Applicant in para 4.9 in page 6 submits as under:

“4.9 The Applicant states that the applicant has attended several times in the office of the ADRM, Bhusawal but no any response from the ADRM Office, Bhusawal. The ADRM, Bhusawal had not passed and sanctioned the family pension to the applicant. The Applicant have submitted affidavit in the year of 2016 in the office of ADRM Bhusawal along with documents and Identity Card of the husband, the said copy of the affidavit alongwith the application and postal acknowledgment. Hereto annexed and marked as “Annexue A-5” is the copy of application dated 05.12.2016.”

3. Learned counsel for the applicant submits that the applicant is entitled for the family pension from the date of dismissal of the deceased employee from the service of the respondents i.e. from 1992 till date and other benefits as admissible under rules. However, the learned counsel for the applicant has not been able to show

under which rule or instructions, the applicant will be entitled for family pension and that to when the deceased employee has been removed by way of penalty from services of the respondents before his unfortunate death.

4. At this stage, learned counsel for the applicant submits that the applicant would be satisfied if the respondents are directed to consider the representation/affidavit filed by the applicant claiming family pension and other benefits in accordance with rules.

5. In the facts and circumstances, without going in to merit of the claim, the OA is disposed of with directions to the respondents to consider the representation/affidavit filed by the applicant claiming family pension and other benefits in accordance with relevant rules and instructions and pass necessary orders by way of speaking and reasoned order within two months from the date of receipt of certified copy of this order and communicate the same to the applicant within two weeks thereafter.

6. With the aforesaid directions, the OA is disposed of at the admission stage itself. No order as to costs.

(R.N. Singh)
Member (J)

dm.