

**CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.**

ORIGINAL APPLICATION NO.192 OF 2017

Date Of Decision:- 04.09. 2018.

CORAM: HON'BLE SHRI. R. VIJAYKUMAR, MEMBER (A).

Smt. Kamal Pandurang Koli,

Aged about 70 yrs, Occupation:- Nil,

Present Address:-4/7 Dolsanath Colony,

Near Jijamata Chowk, Talegaon Dabhade,

Tal. Maval, Dist Pune 410506.

....Applicant

(Applicant by Advocate Shri. J.M. Tanpure)

Versus

1. Union of India,

Through the secretary,

Ministry of Defence,

South Block, New Delhi 110001.

2. The Commandant

Central AFV Depot,

Kirkee Pune 411003.

3. The Controller of Defence accounts (Pensions)

Draupadi Ghat, Allahabad 211 014.

4. The Additional Treasury Officer,

Pune Treasury (Pension Division)

Pune 411001.

....Respondents

(Respondents by Advocate Shri. N.K. Rajpurohit)

ORDER (ORAL)

1. Today, when the case was called for hearing heard Shri. J.M. Tanpure, learned counsel for applicant and Shri. N.K. Rajpurohit, learned counsel for respondents.

2. Heard both the learned counsels for the parties on the issue of MA No.214/2017 for condonation of delay for

which reply has been filed by the respondents. The applicant counts the delay from February 2012 when a reply was received from the respondents up to date of filing this application on 01.03.2017 while also arguing that in accordance with the OM dated 20.04.2011, no delay can be attributed to the applicant in filing this OA. The learned counsel for respondents rebuts this stating that even after the OM was notified in 2004, no application was filed and delay has to be counted from that date.

3. During the hearing of the matter, it was noticed that no formal application has been filed by the applicant with the respondents making a claim for family pension but what is now impugned, is a reply to her brother based on his letter seeking family pension on her behalf. Since, the applicant is evidently a major, if she wishes to make a claim, she should have filed a claim under her own authentication directly to the respondents and then sought a reply which has not been done.

4. In the circumstances, it is appropriate to direct the applicant to file a representation before the respondents who shall consider all the issues relevant to the applicant in relation to the said OM of 2004 along with issues of delay and then pass appropriate orders within a period of six weeks from receipt of such representation. These orders shall be reasoned and speaking and shall, thereafter, be communicated to the applicant within two weeks thereafter.

5. In the circumstances, the OA and MA are both disposed of with the above directions. No costs.

(R.Vijaykumar)
Member (A)

srp