

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/00581/2019
Chandigarh, this the 29th day of May, 2019

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CORAM:HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)

1. Joginder Pal Singh, aged 58 years, S/o Late Sh. Sujan Singh, R/o HL-223, Phase 9, Mohali, District SAS Nagar, Punjab – 16062
2. Smt. Jaspal Kaur aged 65 years W/o Satwant Singh R/o House No. 113, Gokul Avenue, Majithia Road, Amritsar, District Amritsar, Punjab – 143001.
3. Smt. Manjit Kaur aged 53 years, W/o Tejinder Singh D/o Late Sh. Sujan Singh R/o HL-223, Phase 9, Mohali, District SAS Nagar, Punjab – 160062
Group C

.....Applicants

(Present: Mr. Deepanjay Sharma, Advocate)

Versus

1. Union of India through Secretary to Government of India, Ministry of Defence, South Block, New Delhi – 110011.
2. Commandant Remount Training School and Depot, Post Box No. 13, Saharanpur, Uttar Pradesh – 247001.
3. The Principal Controller of Defence Account (Pensions) Draupadighat, Allahabad, Uttar Pradesh – 211014.

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Respondents

(Present: Mr. Sanjay Goyal, Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. MA No. 060/00944/2019 is allowed and the applicants are allowed to join together to file this single O.A.
2. The solitary prayer of the applicants in this O.A. is for issuance of a direction to the respondents to consider their claim of the applicants for grant of arrears of family pension, which the respondents have acknowledged by responding to their representation.

3. Learned counsel for the applicants has drawn our attention to various communications from the respondents confirming that the deceased employee had worked with them, then superannuated and was granted pension. He also submitted that all the formalities to grant family pension to the unmarried mentally ill daughter (Ms. Inder Paul) of the deceased employee were almost completed and then unfortunately she died on 15.01.2018. Applicants herein are son and two daughters of the deceased employee seeking arrears of family pension due to their deceased sister.

4. Learned counsel makes a statement at the bar that the applicants would be satisfied if a direction is issued to the respondents to consider the claim of the applicants to grant them the arrears of family pension, which was payable to their deceased sister, and decide the same by passing a reasoned and speaking order in accordance with law.

5. Issue notice.

6. At this stage, Mr. Sanjay Goyal, Sr. CGSC, appears and accepts notice. He, however, raises objection of maintainability of the O.A. on the ground of delay. He submitted that father of the applicants died in the year 2008 and they have approached this Court after lapse of 11 long years, therefore, the claim deserves no consideration on the ground of delay.

7. The ground of delay, this Court opines, is not available to the respondents as the family pension is a recurring cause of action

and the respondents have acknowledged the claim by regularly responding to representations. Therefore, the consideration in this case cannot be denied on the ground of limitation.

8. In the wake of the fact that the respondents are seized of the matter, as seen from the communications regarding completion of formalities to grant family pension to the mentally ill daughter (now deceased), this Court deems it appropriate to dispose of this O.A., in limine, with a direction to the respondents to consider and decide finally the claim for grant of family pension, in accordance with law, by passing a reasoned and speaking order, within a period of three months from the date of receipt of a copy of this order. Ordered accordingly. The order so passed be communicated to the applicants.

9. Needless to mention, that the disposal of the O.A. shall not be construed as an expression of any opinion on the merit of the case. No costs.

(SANJEEV KAUSHIK)
MEMBER (J)
Dated: 29.05.2019

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