

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

M.A.No.260/195/2018

(Arising out of O.A.No.260/734/2015 disposed of on 30.10.2015)
Cuttack this the 3rd day of January, 2019

CORAM:

HON'BLE MR. GOKUL CHANDRA PATI, MEMBER(A)
HON'BLE MR.SWARUP KUMAR MISHRA, MEMBER(J)

Bangaru Jejamma, unmarried and Handicapped daughter of late Kishnamma, aged about 58 years, Physically challenged person with deaf and dumb – resident of Golla Kanchili Village, Kanchi Post Office, Srikakulam District, Andhra Pradesh
PIN – 532 290.

At present residing at C/o.Yelamanchi Kristna Rao, Gandhi Nagar-II, At/PO-Sompeta, Srikakulam Distirct, Andhra Pradesh
PIN-532 284

Through:

Yelamanchi Kristna Rao, S/o. Late Laxminarayana, Gandhi Nagar II, At/PO-Sompeta, Srikakulam District, Andhra Pradesh-532 284.

...Applicant
By the Advocate(s)-Mre.B.P.Yadav

-VERSUS-

Union of India represented through:

1. The General Manager, East Coast Railway, Chandrasekharpur, Bhubaneswar, Orissa.
2. Sr.Divisional Finance Manager, for F.A. & C.A.O. (Pension), East Coast Railway, Khurda Road Division, PO-Jatni, Dist-Khurda, Orissa.
3. Section Engineer (C&W), Palasa, East Coast Railway, At/PO-Palasa, Dist-Srikakulam, Andhra Pradesh.

...Respondents
By the Advocate(s)-Mr.T.Rath

ORDER

PER MR.SWARUP KUMAR MISHRA, MEMBER(J):

This Misc. Application arises out of O.A.No.260/734/2015 disposed of by this Tribunal on 30.10.2015. This Tribunal while disposing of the said O.A. had directed Respondent No.1 to dispose of the representation of the applicant dated 11.06.2014 if the same is still pending and pass a reasoned and speaking order with a period of three months. It was observed by the

Tribunal that if after such consideration, the applicant is found to be entitled to the relief claimed by her, then expeditious steps be taken within a further period of six months from the date of such consideration to extend the benefit in favour of the applicant.

2. By filing the present M.A., applicant has prayed for direction to the General Manager, East Coast Railway (Res.No.1) to accept the family pension claim without the PPO Book issued by the Pension Sanctioning Authority in favour of her late father and to accept the date of birth of the applicant as mentioned in the certificate issued by the Mandal Parishath Elementary School Golla Kanchilii which is a Government Educational Institution and accordingly grant family in favour of the applicant.

3. It reveals from the fact that after disposal of O.A.No.734/2015, the required documents were called for by the Railway Authorities from the applicant in connection with finalization of family pension and accordingly, the applicant had furnished the same. In the objection to M.A. filed by the respondents, it has been pointed out that some discrepancies in the documents furnished by the applicant having been found out, the claim of the applicant for sanction of family pension is in a state of impasse. It is the case of the respondents that after the death of the father of the applicant on 22.07.2002, her mother passed away on 15.01.2005. From the records available, the father of the applicant at the time of his retirement had not declared any other person except his wife (the mother of the applicant) Smt.B.Mahalakshmi as the only family member. The matter was enquired into by one Chief Staff & Welfare Inspector who went to the residence of the applicant on 14.01.2016 and found that the applicant was residing at C/o.Yelmanchi Kristna Rao, Gandhi Nagar-II, At/PO-Sompeta, Dist-Srikakulam

Andhra Pradesh. It has been pointed out that even after repeated correspondences and personal efforts made by the Chief S & WI, the required documents were not submitted by the applicant. They have stated that when the certificate issued by the M.P.E.School was taken up for verification, the present Head Master of the said School expressed his inability to authenticate on the genuineness of the certificate due to non-availability of the records and stated that the Head Master of the School who signed on the certificate has been transferred for more than 15 years. In addition to this, respondents have submitted that despite repeated requests made to Tahasildar, Kanchili and also the Collector-cum-District Magistrate, Srikakulam to certify about the genuineness of the legal heir certificate, there was no response and in view of this, it was decided to close the case till receipt of the required documents from the applicant and verification reports from the local authority on which receipt of which, the matter will be re-examined.

4. We have considered the rival submissions and perused the records. There is no doubt that the respondents have taken all possible steps to settle the dues in favour of the applicant in pursuance to the orders of this Tribunal dated 30.11.2015 in O.A.No. 734/2015. However, the fact remains that the applicant is a physically challenged person being deaf and dumb and her parents are no more. Respondents in their objections to M.A.No.195/2018 have pointed out regarding receipt of some documents from the applicant as also some documents received with some infirmities. Be that as it may, the General Manager, East Coast Railways is not divested with the power to condone the same and direct receipt of those documents wherever possible keeping in view that the applicant is deaf and dumb and her case needs to be sympathetically considered. As regards the legal heir certificate, respondents

may again take up the matter with the Collector & District Magistrate, Srikakulam to do the needful. Similarly, the certificate produced by the applicant from M.P.E.School may be verified with the help of the District Administration. Rest of the documents where certain infirmities do exist may be examined and if necessary, discretion in this context may be exercised by the General Manager, East Coast Railways so as to render necessary assistance to the applicant. We hope and trust that every effort shall be made in this direction by the Railway Administration and the District Administration, Srikakulam, Andhra Pradesh and the family pension as due and admissible shall be drawn and disbursed in favour of the applicant within a period of three months from the date of receipt of this order.

5. With the above observation and direction, M.A.No.195/2018 stands disposed of. No costs.

6. Free copy of this order be made over to learned counsel for both the sides. Registry is also directed to send a copy of this order to the General Manager, East Coast Railway, Bhubaneswar drawing his attention regarding the steps to be taken up by him. A copy of this order be also sent to the Collector & District Magistrate, Srikakulam, Andhra Pradesh to take all possible measures in the matter of implementation of this order.

(SWARUP KUMAR MISHRA)
MEMBER(J)

BKS

(GOKUL CHANDRA PATI)
MEMBER(A)

