

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

Original Application No.20/670 of 2018

Date of Order: 05.12.2018

Between:

Smt. P. Helen, W/o. late Dinakar,
Aged about 69 years, R/o. 147/A,
Satyanarayanapuram, Vijayawada,
Krishna District.

...Applicant

And

1. South Central Railway,
Rep. by its General Manager,
Rail Nilayam, Secunderabad.
2. Divisional Personnel officer,
South Central Railways,
Vijayawada, Krishna District.
3. Pandey Ajay, S/o. late Pandey Dinakar,
Aged about 27 years,
4. Pandey Vijay, S/o. late Pandey Dinakar,
Aged about 27 years,

(Respondent No.3 & 4 are R/o. 16-3-4, Kothavari Street,
Purnandanpet, Vijayawada, Krishna District.)

...Respondents

Counsel for the Applicant	...	Mr. G. Ravi Mohan
Counsel for the Respondents	...	Mrs. Vijaya Sagi, SC for Railway

CORAM:

<i>Hon'ble Mr. B.V. Sudhakar</i>	...	<i>Member (Admn.)</i>
---	-----	------------------------------

ORAL ORDER

{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.)}

The OA has been filed questioning the action of the respondents 1 & 2 in not paying full pension to the applicant.

2. Brief facts of the case are that the applicant was married to Sri Pandey Dinakar as per Christian rituals and out of their wedlock they were blessed with two daughters and a son. The applicant's husband Sri Pandey Dinakar while

working as Head Clerk in the respondent organization passed away due to heart attack on 08.12.1994. On the death of the applicants husband, the applicant and her two daughters were the legal heirs of late Pandey Dinakar. The claim of the applicant is that the respondents 3 & 4 on becoming majors are not entitled for any pensionary benefits w.e.f. 2010 the year in which they became majors. The applicant's grievance is that the respondents are not paying her full pension on the grounds that there is a writ petition filed by the applicant vide WP No.198/2007 before the Hon'ble High Court. The writ petition was filed challenging the orders of the Hon'ble II Additional District Judge, Vijayawada in AS No. 20/2005 and the judgment delivered in OS 2/95 on the file of the I Addl Senior Civil Judge, Vijayawada. The applicant clarifies that the writ petition was filed in respect of payment of pensionary benefits to the minor children at that point of time, but now the respondents 3 & 4 have attained majority in 2010. The applicant contends that as per the Railway Servants (Pension) Rules the respondents 3 & 4 are not entitled for any pension. The applicant approached the 2nd respondent by filing representations on 14.08.2014, 14.06.2017 and 01.06.2018, requesting to pay full pension to her as the respondents 3 & 4 have become major and that she is only eligible person to receive the full pension on behalf of her late husband Pandye Dinakar.

3. Heard learned counsel both sides and perused the documents on record.

4. The applicant has made representations on 14.08.2014, 14.06.2017 and 01.06.2018 to the respondents requesting to release full pension to her. The main ground is that the respondents 3 & 4 have become majors and therefore they are ineligible to receive pension. The applicant has also clarified that the writ petition was filed in the Hon'ble High Court challenging the orders of

the Hon'ble II Additional District Judge, Vijayawada in AS No. 20/2005. Learned counsel for the applicant has stated that the applicant would be satisfied if the respondent authorities are directed to dispose of the representations made by the applicants.

5. In view of the submission of the leaned counsel for the applicant, without going into the merits of the case, the respondents are directed to dispose of the representations of the applicant cited based on the relevant rules and regulations within a period of 30 days from the date of receipt of copy of this order. Hence, the OA is disposed of at the admission stage with no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

Dated, the 5th day of December, 2018

evr