

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

MA/310/00012/2019 in & OA/310/00030/2019

Dated Wednesday the 9th day of January Two Thousand Nineteen

**CORAM: HON'BLE MR. R. RAMANUJAM, Member (A)
HON'BLE MR. P. MADHAVAN, Member (J)**

Smt. A. Chinnammal,
W/d of late C. Arokiasamy,
Forest Road, Melsevur,
Chengi Talulk, Villuppuram.

....Applicant

By Advocate M/s. Ratio Legis

Vs

1.Union of India rep by
The General Manager,
Southern Railway,
Park Town, Chennai 600003.

2.The Sr. Divisional Personnel Officer,
Trichirapalli Division,
Southern Railway, Trichy 620001.

....Respondents

By Advocate Mr. P. Srinivasan

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))

Heard. As the matter concerns family pension, MA for condonation of delay is allowed. Delay condoned.

2. The applicant has filed this OA seeking the following relief :

"To call for the records related to the impugned order No. T/P.500/PA-2014/D56 dated 06.11.2014 made by the 2nd respondent and to quash the same, and further to direct the respondent to extend family pension with effect from the date of death of her husband with all the attendant benefits with admissible interest and to make further order/orders as this Hon'ble Tribunal may deem fit and proper and thus render justice."

3. It is submitted that the applicant being a widowed daughter of a deceased Government employee was entitled to family pension. Her claim was rejected on the ground that she was widowed after the death of both the pensioner as well as the family pensioner and, therefore, the relevant orders of the Railway Board that permitted a widowed daughter to be granted family pension was not applicable to her case. This Tribunal, in similar cases had noted that the law on the subject had to be settled finally in the matter pending before the Hon'ble Apex Court in SLP Diary No. 21982/2017. Accordingly, it was directed that the competent authority shall review their stand in regard to the applicant therein, if the law is finally settled in favour of similarly placed persons. The applicant would be satisfied if a similar order is passed in this case also, it is urged.

4. Mr. P. Srinivasan takes notice for the respondents and submits that he was not aware of the pendency of the SLP. However, if an SLP is indeed pending on

the issue of law, such a direction could be passed subject to the outcome of the SLPs.

5. Keeping in view of the limited prayer and without going into the substantive merits of the case, as it is submitted that SLP Diary No. 21982/2017 on the subject is pending before the Hon'ble Apex Court, we deem it appropriate to dispose of this OA directing the competent authority to review their Annexure A3 impugned order dt. 06.11.2014, should the law be finally held in favour of persons similarly placed as the applicant.

6. OA is disposed of at the admission stage.

(P. Madhavan)
Member(J)

(R. Ramanujam)
Member(A)

09.01.2019

SKSI