

13

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

O.A.210/186/2019

with

M.A.No.137/2019

Dated this Monday the 11th day of March, 2019

**Coram: R. Vijaykumar, Member (A).
Ravinder Kaur, Member (J).**

1. Smt. Pratibha Daniel Alhat,
Aged: 53 years, Occ. Housewife,
Seva Nagar, Opp. Rahda Kunj Building,
4th Road, Pestom Sagar,
Chembur, Mumbai-400 089.

...Applicant.

(By Advocate Shri P. N. Wagh).

Versus

1. Financial Advisor,
Chief Accounts Officer,
(F.A. & C.A.O.) Pen,
Central Railway,
C.S.T.Mumbai-400 001.
2. Pension Adalat,
Madhya Railway Office,
C.S.T.Mumbai-400 001.
3. Ms. Rebeka @ Shindu,
Age 45 years, Occ. Service,
Sweeper, C.S.T.Station,
Railway Employees,
Central Railway,
C.S.T.Mumbai-400 001.
4. D.R.M., CSTM (Mumbai Division)
Central Railway Office at
Central Railway, C.S.T. Station,
Mumbai-400 001.
5. Sr. D.P.O. CSTM,
Central Railway Office at
Central Railway, CST Station,
Mumbai-400 001.

... Respondents.

O R D E R (O R A L)

Per : R. Vijaykumar, Member (Administrative)

1. Today when the case is called out, heard Shri P. N. Wagh, learned counsel for the applicant.

2. This application has been filed on 09.01.2019 under Section 19 of the Administrative Tribunal's Act, 1985 seeking the following reliefs:-

"a) This Hon'ble court may please to issue direction to the Respondents to provide the retiral benefits and pension of the deceased husband namely, Daniel Eknath Alhat, i.e. to the Applicant;

And/alternative

This Hon'ble court may please to direct the Respondent No.4 to take re-hearing of the Applicant in order to consider claim of the Applicant to provide retiral benefits, pension of her deceased husband to her.

b) Pending the hearing and final disposal of the present application, this Hon'ble court may please to prevent the Respondents from providing the retiral benefits, pension and employment to the Rebeka.

c) Any other and further relief as this Hon'ble court may deem fit and proper."

3. The applicant had filed an OA No. 705/2016 in which orders were passed directing the

respondents to consider the representation of the applicant for pension claiming that she was the legally wedded wife of the deceased employee and to pass a reasoned and speaking orders. Such an order was passed by impugned order dated 06.01.2017 by DRM, Mumbai. Subsequently, the applicant claims to have found a wedding card proving her marriage credentials and also to have filed a representation dated 23.11.2017 Annexure A-7 with the respondent no. 4 enclosing a copy of her marriage certificate. In response, a brief order has been received by the applicant on 18.12.2017 (Annexure-D) reiterating the previous speaking orders.

4. Heard the learned counsel for the applicant. He argues that the speaking order does not reflect the fact that the authority had considered the fresh evidence furnished by the applicant.

5. In this circumstances, the respondent no.4 is directed to consider the representation dated 23.11.2017 filed by the applicant along with the said additional evidence and if necessary, call for the original papers and then to investigate the matter appropriately and to pass a

reasoned and a speaking order within three months from the date of receipt of a certified copy of these orders.

6. MA No.137/219 has also been filed for condonation of delay. Since the plea relates to pension and in the interests of justice, the delay in filing of the present original application is condoned.

7. The OA is, therefore, disposed of without any order as to cost.

(Ravinder Kaur)
Member (J)

(R. Vijaykumar)
Member (A)

V.

JW
15/3