

RESERVED

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD**

This the 19th day of July 2019

ORIGINAL APPLICATION NO. 383 of 2013

HON'BLE Mr. RAKESH SAGAR JAIN, MEMBER (J)

Km. Vimala S/o Late Satya Narayan Singh, R/o Mohalla Alahdadpur, Post
Maya Bazar, District Gorakhpur.

..... Applicant

By Advocate: Shri Rajesh Kumar Mall

Versus

1. General Manager, North Eastern Railway, Gorakhpur.
2. Chief Security Commissioner, Railway Protection Force (R.P.F) North Eastern Railways, Gorakhpur.
3. Assistant Security Commissioner, Railway Protection Force (R.P.F.) North Eastern Railways, Gorakhpur.
4. Staff Officer, Railway Protection Force (R.P.F) North Eastern Railways, Gorakhpur.

..... Respondents.

Advocate: Ms. Zahida Zamin/Shri S.B Singh

O R D E R

1. This OA has been filed by the applicant Km. Vimala under Section 19 of the Administrative Tribunals Act, 1985, praying for the following relief:-

- "i) To quash the impugned order dated 08.02.2013 passed by the Staff Officer, Railway Protection Force (R.P.F.), North Eastern Railway, Gorakhpur (Respondent No.4) on behalf of the respondent No.2 (Annexure No.1).
- ii) To direct the respondents to permit the applicant to draw the family pension of her Late father Satya Narain Singh on month to month basis.

- iii) To issue any other order or direction which this Hon'ble Tribunal may deem fit and proper under the facts and circumstances of the case.
 - iv) To award the cost of the instant original application in favour of the applicant".
2. Case of applicant Kumari Vimala is that she is the blind and unmarried daughter of late Satya Narayan Singh who superannuated from the respondent-department and died on 13.03.1981 and on his death, his wife Sarashwati Devi received the family pension and on death of her mother Sarashwati Devi on 28.06.3006, applicant is entitled to the family pension. It is the further case of applicant that vide letter dated 28.03.2012, respondents sought certain documents and she filed documents in support of her claim for family pension. Respondents, by way of impugned order dated 08.02.2013, rejected her claim for family pension on the ground that she had failed to file the documents which were sought by the respondents. It is the case of applicant that the documents filed by her before the respondents supports her claim that she is the daughter of Satya Narayan Singh and Sarashwati Devi, as such, the impugned order deserves to be set aside and the O.A. be decided in her favour.
2. In reply, respondents have accepted all the facts alleged in the O.A. except the applicant being the daughter of deceased Satya Narayan Singh and Sarashwati Devi.
3. I have heard and considered the arguments of learned counsels for the parties and gone through the material on record.
4. Respondents have rejected the claim of the applicant on the ground that she failed to file the documents sought by the department for proving that she is the daughter of the deceased couple. However, applicant had filed certain documents in support of her claim. Respondents in their rejection ought to have considered the documents filed by the applicant to come to the conclusion that applicant is not the

daughter of Satya Narayan Singh and Sarashwati Devi before passing the impugned order.

5. A strange aspect of the case is that, as per the PPO, deceased Satya Narayan Singh retired in the year 2012, let's say at the age of 58 years. That would make his date of birth to be 1954. As per the Family Certificate dated 30.12.2008 (Page 58 of the O.A.), the age of applicant is 40 years in the year 2008 and she has brothers and sister who elder to her. Even so, the year of birth of applicant would come to the year 1968. So, as per the documents, the age of Satya Narayan Singh would be 14 years in 1968 and even younger if the age of brother and sister of applicant is taken into consideration.

6. This apart, respondents having failed to consider the documents filed by the applicant in support of her claim, I am of the view that the impugned order dated 08.02.2013 (Annexure A-3) cannot be sustained and is accordingly set aside. The case is remanded back to the respondents/competent authority to reconsider and decide the matter afresh taking into consideration the documents filed by the applicant. It is made clear that nothing mentioned in this order touches upon the merit of the case and the case would be decided by the respondents on its own merits. Respondents would consider and decided the claim of applicant within a period of 2 months from the date of receipt of certified copy of the order by way of reasoned and speaking order with intimation to the applicant. No order as to costs.

(RAKESH SAGAR JAIN)
MEMBER (J)

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