

**Central Administrative Tribunal
Madras Bench**

OA 310/01630/2019

Dated Monday the 9th day of December Two Thousand Nineteen

P R E S E N T

**Hon'ble Shri. P. Madhavan, Member (J)
&
Hon'ble Shri. T. Jacob, Member (A)**

Smt. Murugammal, Wd.D/o. Late Balasubramanian,
Ex Store Watchman, CPWI,
TRL/MAS Divn/S.Rly,
Old No. 1/66 – New No. 1/83, Mettu Street,
Marudhavallipuram, Thozhudhavur,
Tiruttani Taluk, Tiruvelllore Dist.

....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 Senior Divisional Personnel Officer,
Chennai Division, Southern Railway,
NGO Annexe, Park Town,
Chennai 600003.

....Respondents

By Advocate Mr. P. Srinivasan

ORAL ORDER

Pronounced by Hon'ble Mr. P. Madhavan, Member(J)

The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

“To call for the records related to the Pension Payment Order issued in favour of the late M. Balasubramanian and his service records and the representations dated 28.04.2017 accompanied by necessary documents and the letter No. M/P3/500/Settle dated 05.09.2019 by the 2nd respondent and to direct the respondents to extend the benefit of family pension to the applicant in terms of Rule 75 of the Pension Rules with 18% interest and to pass such other order/orders as this Hon'ble Tribunal may deem fit and proper and thus to render justice.”

2. When the matter came up for consideration, learned counsel for the applicant submits that the applicant is the widowed daughter of the deceased M. Balasubramanian, Stores watchman retired on 31.01.1995 and expired on 28.05.1997. According to the applicant the scheme for granting pension to widowed daughter came into effect only in the year 2011 and hence she could not apply for the same immediately. When the matter was brought to the notice of the competent authority, the competent authority informed that the documents like pension stoppage letter is not available with the respondents and they cannot process the same.
3. Mr. P. Srinivasan takes notice for the respondents and submits that the applicant is also not having any records since her father died long back and there is no such scheme during that time.
4. In view of the facts submitted by the learned counsel for the applicant and

without going into the substantive merits of the case we deem it appropriate to direct the applicant to file a fresh representation quoting the relevant rules regarding the reconstruction of records if necessary and processing the same within a period of 15 days from the date of receipt of copy of this order and the competent authority is directed to take steps to obtain the details of pension paid and the date of stoppage of the same as per records of the deceased pensioner in the books and registers of the Department and consider her representation and pass a detailed order regarding the missing of the records and the eligibility of the applicant for getting the family pension as per the new scheme within a period of six months thereafter.

5. OA is disposed of at the admission stage.

(T. Jacob)
Member(A)
AS

09.12.2019

(P. Madhavan)
Member (J)