

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH**  
**JABALPUR**

**Original Application No.200/00811/2019**

Jabalpur, this Friday, the 15<sup>th</sup> day of November, 2019

**HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER**

Smt. Parvati Bai, aged about 40 years, W/o Late Vishan Lal,  
Resident of Indira Gandhi Ward, Beena, District Sagar (M.P)  
470001 **-Applicant**

**(By Advocate – Shri Manoj K Sanghi)**

**V e r s u s**

1. Union of India through General Manager, WCR, Bhopal  
(M.P) 462001.

2. The Divisional Manager (Personal), Western Central  
Railway, Bhopal 462001.

3. Smt. Amar @ Anjali, aged about 25 years, W/o Shri Rahul,  
D/o Vishan Lal Kushwaha, R/o Chhoti Bajariya, Bheem Ward,  
Bina, Distt. Sagar (M.P.) **-Respondents**

**(By Advocate – Shri A.S. Raizada)**

**O R D E R (O R A L)**

Through this Original Application, the applicant is seeking 80% of the withheld family pension of the deceased employee from June 2012 to April 2018 along with interest and thereafter 100% family pension to the applicant and her three minor children from May 2018 onwards.

2. The case of the applicant is that she is the legally wedded wife of late Shri Vishanlal, who was working as Pointsman with the respondent department. The deceased was earlier married with Smt. Kusum Bai and due to their wedlock four daughters were born. Thereafter the first wife of deceased died on 26.06.1998 and the deceased got married with the applicant on 20.03.1999. The said marriage was duly registered with the office of Marriage Officer/Additional Collector, Lalipur. The deceased also submitted declaration before the department in respect of second marriage with the applicant. Due to the wedlock of the deceased and the applicant, three children (two daughters and one son) were born. On 31.05.2012, the deceased died in harness on 31.05.2012 leaving behind the applicant and seven children as legal heirs.

3. The applicant submits that being legally wedded wife of the deceased employee, she applied for grant of pension as well as other service benefits to the respondent department, who suggested her to procure the succession certificate. The succession certificate was issued by the competent Court of Law (Annexure A-4) in appeal. However, even after grant of

succession certificate, the family pension has not been paid to the applicant.

4. The applicant has earlier approached this Tribunal by filing Original Application No.200/00778/2018 for grant of family pension to her, which was disposed of vide order dated 13.11.2018 with a direction to the respondents to consider and decide her representation dated 08.09.2017. Accordingly, the respondents have issued Pension Payment Order for disbursement of family pension through letter dated 29.10.2018 (Annexure A-6).

5. The grievance of the applicant is that the respondents have wrongly released 50% pension to the applicant and her three minor children and remaining 50% pension has been released in favour of the respondent No.3. She has made representations dated 25.09.2018 (Annexure A-8) and 20.11.2018 (Annexure A-9) for redressal of her grievances raised in this Original Application, which have not been decided so far.

6. At this stage, learned counsel for the applicant submits that the applicant will be satisfied if the respondents are directed

to consider and decide her representations (Annexure A-8 & A-9) in a time-bound manner.

7. I feel that prayer of learned counsel for the applicant is genuine particularly when the representations are pending for consideration before the competent authority. Accordingly, competent authority of the respondent department is directed to consider and decide applicant's representations (Annexure A-8 & A9), if not already decided, within a period of 60 days from the date of receipt of certified copy of this order by passing a reasoned and speaking order.

8. In view of the above, this Original Application is disposed of at the admission stage itself. Needless to say that this Tribunal has not commented on merits of the case.

**(Ramesh Singh Thakur)**  
**Judicial Member**

am/-