

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

ORIGINAL APPLICATION No.210/00455/2019

Dated this Tuesday, the 15th day of October, 2019

CORAM : R.VIJAYKUMAR, MEMBER (ADMINISTRATIVE)

Smt. Hirabai Shankar Miljulkar,
Widow of Ex-Boat-Builder Shankar Miljulkar, No.2546,
aged around 78 years, Occ. Housewife,
presently residing at 63, Shinde Chawl, Sangamwadi,
Khadki East, Pune 411 003, Maharashtra.

- Applicant

(By Advocate Shri Yogendra Pratap Singh)

VERSUS

1. Union of India, through Secretary of Ministry of Defence,
104, South Block, New Delhi 110 011.
2. The Chief of the Army Staff Integrated Headquarters of
Ministry of Defence (Army), South Block,
New Delhi 110 011.
3. Commandant Headquarters, Bombay Engineer Group and
Centre, Technical Equipment Office, Kirkee, Pune 411 003.
4. The Principal Controller of Defence Accounts (Pensions),
G-4/3 Section Draupadi Ghat,
Allahabad 211 014 U.P.

- Respondents

**(By Advocate Ms. Sumandevi Yadav proxy counsel
for Shri Suresh Kumar for R-3)**

ORDER (ORAL)

This application has been filed on
12.06.2019 under Section 19 of the
Administrative Tribunals Act, 1985 seeking the
following reliefs:

“8.1. Direct the Principal Controller of Defence Accounts,
Allahabad to grant dual Family Pension from Civil Side to
the applicant with effect from 24/09/2012 pursuant to
Government of India, Ministry of Defence letter
No.01(05)/2010-D (Pen/Policy) dated 17/01/2013;

8.2. Direct the respondents to calculate and pay the
arrears of family pension within 3 months from now;

8.3. Grant such other and further reliefs, as the nature and circumstances of this application may require for dispensing justice.”

2. Heard the learned counsel for the applicant.

3. The respondents have stated that the reply of respondent No.3 has been received by them and will be filed. However, no reply has been filed on behalf of the respondents Nos.1 and 2 and respondent No.4. There is no representation on behalf of the respondents Nos.1, 2 and 4. In this connection, the learned counsel for the applicant submits that the respondent No.4 is the person to whom the respondent No.3 has already addressed correspondence recommending the case of the applicant in letters dated 04.03.2017 (Annexure A-10) and for which, no reply has been received till date.

4. The learned counsel for the applicant also states that the respondent No.4, PCDA, is bound by the policy directions issued by the respondents Nos.1 and 2 and cannot delay extension of benefits if the applicant is covered in terms of those policy directions.

5. In the circumstances, the respondent No.4 is directed to consider the representation already filed by the applicant and forwarded by the respondent No.3 in their letter No.PF/2546/SM/48/TEO dated 24.03.2017 and pass a reasoned and speaking order within a period of six weeks from the date of receipt of a certified copy of these orders and to communicate this orders to the applicant within two weeks thereafter.

6. The said letter of proposal from the respondent No.3 and the respondent No.4 shall also be considered by the respondents Nos.1 and 2 for issuing directions to the respondent No.4, if any further directions or prompting is needed on the subject and to examine reasons for delay in responding to such proposals without providing any cogent reply or reasons by the respondent No.4.

7. In the aforesaid terms, the OA is disposed of without any order as to costs.

~~(R. Vijaykumar)~~
Member (Administrative)

kmg*

