
(2022) 07 CAT CK 0016

In the Central Administrative Tribunal

Case No : Original Application No. 330, 00966 Of 2018

Asha Lata Saxena

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 15-07-2022

Acts Referred:

Administrative Tribunals Act, 1985 — Section 19

Citation : (2022) 07 CAT CK 0016

Hon'ble Judges : Pratima K Gupta, Member (J)

Bench : Single Bench

Advocate : Krishan Gopal, K.K. Ojha

Final Decision : Disposed Of

Judgement

Pratima K Gupta, Member (J)

1. Shri Krishan Gopal, learned counsel for the applicant and Shri K.K. Ojha, learned counsel for the respondents, are present.

2. By way of the present original application filed under section 19 of Administrative Tribunal Act 1985, the applicant seeks for the following reliefs:-

"i) Quash the order dated 31.1.2018 passed by respondent no.2 (contained in compilation no.2).

ii) Direct the respondent no.2 to release the family pension of the dependant of Late Smt. Vinod Kumari Johari (widow of Late Madan Bihari Lal Saxena, Assistant Station Master, Shahjahanpur Railway, Station) in favour of applicant within stipulated period so fixed by this Tribunal.

iii) Pass any other suitable order or direction which this Tribunal may deem fit and proper in the circumstances of the case.

iv) Award the costs of the original application to the applicant".

3. The brief facts leading to this original application are that the father of the

applicant while serving with the respondents died on 03.12.1972. The father of the applicant Late Madan Bihari Lal Saxena died while working as Assistant Station Master on 03.12.1972. After which the mother of the applicant was in receipt of family pension till 27.10.2006, when she also passed away. After which the applicant preferred a representation dated 14.05.2015 for seeking family pension on the ground that she was divorced dependent lady of the deceased employee. Since the case was pending consideration before the respondents the applicant preferred OA No.112 of 2017 which was disposed by this Tribunal on 14.05.2015 with a direction to the respondents to consider the case of the applicant and pass a reasoned and speaking order. In compliance of this order, the case of the applicant was duly considered and disposed of vide impugned order dated 31.01.2018 which is annexed at page no.25 of the OA.

4. Learned counsel for the applicant further submits that during this period the applicant lost her son on 13.12.2012 and her ex-husband on 08.01.2018. Accordingly, it is a very deserving case and the respondents have disposed of the representation of the applicant without considering the merit of the said representation. Learned counsel for the applicant relies upon the Railway Board's Orders, 2008 R.B.E. No.98/2008

S.No.

Issue Raised

Clarification

(i)

Whether a daughter who is divorced/attains widowhood at any age is eligible for family pension (e.g. at the age of 60,70....)?.

Yes; a widowed/divorced daughter shall be eligible for family pension irrespective of her age at the time of becoming widow/divorcee subject to fulfilment of certain condition, including the income criterion, as stipulated in the relevant provisions of Railway Service (Pension) Rules 1993 and the orders issued thereunder.

It is not in dispute that the applicant was not widow at the time when the case of the applicant was considered and rejected by the respondents.

5. Learned counsel for the respondents submits that the case of the applicant has been duly considered and rejected on the ground that the respondents are unable to ascertain that the applicant was divorced or not as the same is not supported by any document.

6. Heard learned counsel for the parties and perused the documents on record.

7. It is seen that though applicant was eligible for grant of family pension, however, the same was rejected as the same was not supported by the relevant documents.

8. Accordingly, this original application is disposed of with a direction to the applicant to satisfy the respondents with respect to her eligibility for grant of family pension alongwith the supporting documents as and when he does the same. The same shall be considered by the respondents within a period of four months thereafter and the outcome of the same shall be intimated to the applicant within a period of four months as and when the said exercise is completed by the applicant.

9. With the above observations, the original application is disposed of. No costs.