

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12765 of 2010

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1. The Union Of India, Through The General Manager, East Central Railway Hazipur, Pin-844101
 2. Divisional Railway Manager, East Central Railway Dhanbad
 3. The Senior Divisional Personnel Officer East Central Railway , Dhanbad
 4. The Senior Divisional Engineer (Co-Ordination), East Central Railway Dhanabad
 5. Senior Divisional Finance Manager, East Central Railway Dhanabad

.... Petitioner/s

Versus

Smt.Dhano Devi Widow of Late Rupan Ex Chowkidar Under Permanent Way Inspector, Eastern Railway, Paharpur, Now East Central Railway, Paharpur, Resident Of Vill Dumari Tapsa, P.O.Fathepur, Distt-Gaya(Bihar)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bijoy Kumar Sinha
For the Respondent/s : Mr. M.P. Dixit,
Mr. Sanjay Kumar Dixit.

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 05-05-2015

The Railways through Union of India has filed the Writ
Petition challenging the order of the Central Administrative Tribunal,
Patna Bench, passed on 13.07.2009 in O.A. No. 521 of 2005.

The Claim of the applicant before the Tribunal for family
pension was allowed. After hearing the parties, we cannot sustain the
order of the Tribunal on two counts; firstly though the order of the
Tribunal runs into four pages, it is not speaking order, inasmuch as no
reason has been given in support of finding. Up to paragraph no.7 of

the order of Tribunal only submissions are noted and in paragraph no.8, which is the penultimate paragraph, it gives the finding what the claimant is entitled to. Why, for what reason, on what facts, nothing is mentioned, much less indicated. As has been held by the Hon'ble Apex Court repeatedly, reasons are the link between the facts found and decision taken. It is very vital and is an essential part of natural justice. An order, which is not supported by reasons, is void. The second is, determination of entitlement of pension/family pension is dependent on certain jurisdictional facts. In absence of clear pleading and clear finding of those jurisdictional facts, no claim for pension/family pension can at all be entertained.

Thus, while setting aside the order of the Tribunal, we remand the matter to the Tribunal to decide the claim of the applicant in accordance with law afresh. As the matter relates to a widow and is almost a decade old, we would request the Tribunal to take up the matter on priority basis and, if possible, dispose it of within a period of six months.

Accordingly, this writ application is disposed of.

(Navaniti Prasad Singh, J.)

(Rajendra Kumar Mishra, J.)

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