

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Civil Review No.382 of 2013
Arising out of
Civil Writ Jurisdiction Case No. 16924 of 2007**

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Baso Devi, Wife of Late Raghu Ex-Oil Furnishing Incharge, Grade-‘B’, Ex-Ticket Number-1445/Rolling Mill, Jamalpur Rly Workshop, Eastern Rly. Jamalpur, District- Munger, Resident of Village Ratanpur, Police Station- Bariarpur, District Munger.

.... Petitioner/s

Versus

1. The Union of India through the General Manager, Eastern Railways, Koyalaghat, Kolkata.
2. The Chief Workshop Manager, Jamalpur-Rly. Workshop, E. Rly. Jamalpur (Munger).
3. The Divisional Rail Manager, E. Rly. Maladah Division, Maladah (W.B.).
4. The Workshop Accounts Officer, Jamalpur Railway Workshop, E. Rly. Jamalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nagendra Prasad Yadav, Advocate

For the Respondent/s : Mr. Bijoy Kumar Sinha, Advocate.

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT**

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 07-12-2016

The order dated 24th of February, 2010 passed in the writ application (C.W.J.C. No. 16924 of 2007) directed against an order of the Central Administrative Tribunal, Patna Bench, Patna on



22nd of December, 2006 is subject matter of the present Review Application.

2. The petitioner claims family pension on the basis of pension scheme which was introduced in the year 1957. The learned Tribunal has found that the circular dated 08.05.1987 provided that all Contributory Provident Fund beneficiaries in service on 01.11.1986 should be deemed to have come under the Pension Scheme but the husband of the petitioner died in the year 1966, therefore, it is inferred that the petitioner is not entitled to Pension Scheme as the husband of the petitioner was not a beneficiary of C.P.F. as on 01.11.1986. It has been also found that old records are not available in the office of the Railways.

3. The Division Bench of this Court in the impugned order has recorded that the petitioner has sought to raise a claim of family pension after 40 years of death of her husband. With long lapse of time, the records are not available to examine the legality and validity of the claim of the petitioner.

4. Reliance of the petitioner is on a document (Annexure-3) dated 6th of November, 1962 to the effect that Contributory Provident Fund amount was deducted. Such document was not before the Tribunal. Still, even if it is true, beneficiary of C.P.F. as on 01.11.1986 alone are governed by the Pension Scheme



and not the C.P.F. Contributory Provident Fund beneficiary prior to the said date.

5. Thus, we do not find any apparent error on record which may warrant review of the order impugned.

6. The Civil Review Application is, thus, dismissed.

(Hemant Gupta, ACJ)

(Kishore Kumar Mandal, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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