

**HIGH COURT OF JUDICATURE FOR RAJASTHAN BENCH AT
JAIPUR**

S.B.Civil Revision No. 163 / 2016

Shanti Devi

-----Petitioner

Versus

Gen Manager, West Central Railway, Jabal

-----Respondent

For Petitioner(s) : Mr. G.P. Kaushik

For Respondent(s) : None Present.

HON'BLE MR. JUSTICE JAINENDRA KUMAR RANKA

Judgment

11/01/2017

1. Instant civil revision petition is directed against the order dated 26.09.2016 passed by the Additional Civil Judge, No. 1 Gangapurcity, District Sawai Madhopur in Civil Suit No. 04/2016 by which the trial court has held that it had no jurisdiction as it is a matter relating to pension of late Sh. Ram Swaroop from the Railways and has rejected the petition on an application filed by the respondent under Order 7 Rule 11.

2. Counsel for the petitioner contended that it is an interse dispute whether the petitioner is entitled to pension or respondent no 4, as the respondent no. 4 has also claimed pension being wife of deceased Ram Swaroop. However as per will the petitioner has become entitled to pension and contended that trial court was competent to decide.

3. Having heard counsel in my view as well the petition/appeal

was to be preferred before Central Administrative Tribunal, as per provisions of Central Administrative Tribunal Act 1985 which can take into consideration not only the issue raised in the instant petition but also other factors and arrive to a just and proper conclusion as to who would be entitled to get pension of late Sh. Ram Swaroop after noticing the evidence and other material.

3. Let the petitioner may approach Central Administrative Tribunal who will take into consideration, all issues raised and decide the matter expeditiously within a period of six months.

4. It is informed that still there is time to approach before Central Administrative Tribunal so the petitioner may avail such remedy and even if there is some delay on such facts the Tribunal can always condone the delay.

5. With the aforesaid liberty the petition stands disposed off.

(JAINENDRA KUMAR RANKA)J.

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