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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of Judgment : 09th January, 2020*

+ W.P.(C) 13460/2019

UNION OF INDIA THROUGH GENERAL MANAGER AND ORS.

..... Petitioners

Through Ms. Manita Verma, Advocate

versus

MS. ASHA RANI CHOPRA

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

G.S. SISTANI, J. (ORAL)

1. The present writ petition is directed against order dated 23.07.2019 passed by the Central Administrative Tribunal (the "Tribunal"). The respondent, who is the widow of Late Shri Bishamber Lal Chopra, filed OA No.1159/2017 seeking the following reliefs:

- "(i) Direct the Respondents to consider the case of the petitioner and pass directions to the Respondents to make payment of entire family pensionary benefits under Rule 70, 75 and 15 of Railway Services Rules, 1993.*
- (ii) Direct the respondents to make payment of interests on delayed payments applicable Interest rate @ 9% a.m.*
- (iii) Any other relief which this Hon'ble Tribunal may be pleased to pass under the facts and circumstances of the case."*

2. In the impugned order the Tribunal observed as under:

“2. During the course of the arguments, counsel for the applicant has submitted that as per the previous order of the Tribunal dated 28.05.2019, he has already provided the two required documents to the respondents for release of the family pension. However, the respondents’ counsel submitted that before settling the claim of the applicant, she has to fill up the requisite forms for the claim of family pension.

3. In view of the above factual situation, the applicant is directed to visit the office of the respondent at 11 O’clock on 05.08.2019 and contact Mr. Jagdish Chander, COS/Settlement/DRM/Delhi, who is present in the Court today, and has undertaken to ensure that the forms for the claims of the applicant would be got filled by her and thereafter he will check the same on the same date and in case of any requirement, will inform the applicant about the same so that the formalities are completed within two working days positively. The respondents are thereafter directed to sanction the claim of the applicant within 45 days and pay the same within 30 days of such sanction.

4. With the above directions, the OA is disposed of. No order as to costs.”

3. Counsel for the petitioners submits that since the respondent has not provided the necessary information, it is not possible to comply with the impugned order. As an illustration, counsel for the petitioners submits that the respondent is not able to provide the last drawn salary of her husband, who went missing on 28.09.1992 and has not been traced since.

4. We had requested counsel for the petitioners to file a copy of the form which is required to be filled by the respondent/widow. On

examination of the form, we find that most of the particulars required are elementary. The Court cannot lose track of the fact that the husband of the respondent was working as Chief Goods Clerk at Ajmeri Gate Goods Office in Northern Railways, Delhi Division from the year 1988. The only son of the respondent expired, leaving the couple completely shattered. After disappearance of the husband, the respondent sought pensionary benefits in the year 2014 before the Railway Pension Adalat.

5. In our view, the order of the Tribunal requires no interference. The petitioners are directed to render all assistance to the respondent in filling the form and to comply with the order of the Tribunal.
6. We find no merit in the writ petition. The writ petition is accordingly dismissed.

CM.APPL 54567/2019(stay)

7. The application also stands dismissed in view of the order passed in the writ petition.

G.S. SISTANI, J

ANUP JAIRAM BHAMBHANI, J

JANUARY 09, 2020

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