

Court No. - 34

Case :- WRIT - A No. - 19457 of 2018

Petitioner :- Union Of India Through The General Manager, North Central Railway And 2 Others

Respondent :- Central Administrative Tribunal And Another

Counsel for Petitioner :- Arun Kumar Gupta

Counsel for Respondent :- S.K. Singh Vashisht

Hon'ble Sudhir Agarwal,J.

Hon'ble Rajeev Misra,J.

1. Heard Sri Arun Kumar Gupta, learned counsel for petitioners and Sri S.K. Singh Vashisht, learned counsel appearing for respondent no.2.
2. This writ petition under Article 226 of the Constitution has been filed by Union of India through General Manager, North Central Railway, Allahabad and two others being aggrieved by judgment and order dated 01.06.2018 passed by Central Administrative Tribunal, Allahabad Bench, Allahabad (hereinafter referred to as 'Tribunal') in Original Application (hereinafter referred to as 'O.A.') No. 1441 of 2016 holding that applicant-respondent-2 Shashi Saxena wife of Shyam Mohan Saxena, is entitled for family pension and set aside order dated 20.09.2016, whereby family pension was denied to applicant-respondent-2. Tribunal has directed petitioners to sanction family pension to applicant-respondent-2 as per existing rules and communicate their decision by a reasoned and speaking order to applicant-respondent-2 within a period of three months from the date of receipt of certified copy of order.
3. Learned counsel for petitioners submitted that applicant-respondent no.2 was residing with her husband and they were divorced in 2014, therefore, at the time of death of Km. Ekta Saxena, who was working as Stenographer in Railway Recruitment Board, Allahabad and died on 05.11.2000. Applicant-respondent-2 was not wholly dependent upon her and

as such no family pension was paid to her. It appears that applicant-respondent-2 was residing separately from her husband and in this regard a report was called for from Staff and Welfare Inspector, who submitted its report on 30.06.2008 and stated that applicant-respondent-2 was residing separately from her husband at house no.18/4, in upper floor, situate at Karelabagh, Allahabad and said report has also been relied upon by Tribunal.

4. Before us learned counsel for petitioners failed to point out any document or material to show that finding of fact recorded by Tribunal in para-12 of Judgment is perverse and contrary to law.

5. That be the finding of fact, we do not find any reason to take a different view in the matter. No other point has been raised by learned counsel for petitioners to show that findings recorded by Tribunal is perverse or contrary to record.

6. The writ petition lacks merit. It is, accordingly, dismissed.

Order Date :- 2.1.2020

Prajapati