

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION 885 OF 2015

(The Union of India, through General Manager, Central Railway, Mumbai CST,
Mumbai and anr...vs... Smt. Sushilabai Umashankar Dubey)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Ms. Neerja Chaubey, counsel for petitioners.
Mr. A.P. Chaware, counsel for respondent.

CORAM: ROHIT B. DEO AND ANIL L. PANSARE, JJ.

DATE: 19.08.2022

The challenge is to the judgment dated 22.7.2014, rendered by the learned Central Administrative Tribunal (CAT) in Original Application 2251/2009, whereby allowing the application preferred by the respondent, the respondent was held entitled to family pension in accordance with the Pension Rules. This direction was issued after recording finding that the husband of the respondent-employee was retired on medical grounds on 4.5.2007 and he expired on 24.8.2008, and therefore, he would have been entitled to disability pension in terms of the Railway Board's letter dated 31.12.2010.

2. We are informed by the learned counsel for the employee Mr. A.P. Chaware that similar issue is answered against the petitioners by the High Court and then confirmed by the Apex Court. The learned counsel Ms. Neerja Chaubey fairly

does not dispute the said statement.

3. We see no error in the view taken by the learned CAT.

4. The petition is dismissed.

5. We clarify that the respondent – employee shall be entitled to family pension from the date of the application preferred before the learned CAT.

6. The consequential monetary benefits shall be paid to the respondent-employees within the next 12 weeks, failing which, the amount shall attract interest @ 9% (nine percent) per annum.

(ANIL L. PANSARE, J.)

(ROHIT B. DEO, J.)

Belkhede