

**Central Administrative Tribunal  
Hyderabad Bench**

**OA No.020/511/2019**



Hyderabad, this the 2<sup>nd</sup> day of March, 2020

**Hon'ble Mr. B. V. Sudhakar, Member (A)**

Smt. P. Kanakaratna, W/o P. Ranga Rao  
Aged 65 years, Occ: House Wife,  
R/o 16-194, Uma Nagar  
Anantapur.

... Applicant

(By Advocate: Mrs. S. Anuradha)

Vs.

1. Union of India rep by The General Manager  
South Central Railway, Secunderabad.
2. The Senior Divisional Personnel Officer  
South Central Railway, Guntakal Division  
Guntakal, Anantapur.
3. The Divisional Railway Manager  
South Central Railway, Guntakal. ... Respondents

(By Advocate: Mrs. A.P. Lakshmi, SC for Railways)

**ORDER (Oral)**

2. The OA is filed by the applicant seeking family pension from the respondents.

3. Brief facts of the case are that the husband of the applicant while working for the respondents retired on 30.04.2010 and thereafter died on 29.12.2017. The applicant was married to the late employee on 22.05.1973 and through wedlock, they were blessed with a son and a daughter. However, due to marital issues like physical torture and extra marital relations of the late employee, applicant had to live separately and approach the family court for maintenance which was granted w.e.f. 19.05.2008, vide Court order [FCMC No.36/2008] dated 12.12.2008 (Annexure A5). Submitting relevant documents, applicant approached the respondents for family pension, which was not conceded to and, therefore, the OA.

4. The contentions of the applicant are that the representation made on 19.03.2018 has not been acted upon, though the respondents are duty bound to do the same. Applicant is a legally wedded wife of the late employee and, therefore, according to her, she is eligible for family pension.

5. Respondents in their reply statement confirmed that the husband of the applicant, after retirement, died on 29.12.2017. The settlement dues were fully paid to the late employee. However, in regard to family members, it has been mentioned as 'NIL' in Form-6 and, therefore, family pension could not be granted to the applicant. Nevertheless, the



applicant on approaching the respondents was directed to submit substantial proof / documents to establish her relationship as wife of the deceased employee. On receipt of the same, the request for family pension would be duly verified and decided.



6. Heard both the counsel and perused the pleadings on record.
7. (I) It is not a disputed fact that the applicant's husband worked for the respondents organization and passed away after retirement. Besides, it is also not disputed that the late employee has not named the family members in Form-6, to be considered for family pension. Therefore, the respondents could not proceed further in the matter. Applicant, in contrast, submitted that the Court order issued by the Family Court on 12.12.2008, granting maintenance to her after adjudicating the family dispute between the applicant and her late husband, who worked in the respondents' organization, establishes, beyond doubt that she is the legally wedded wife of the late employee. The relevant portion is extracted hereunder, which confirms that the applicant is a legally wedded wife of the late employee:

“As far as the case of the petitioner that she is the legally wedded wife of the respondent is concerned, the same is not in dispute. It is also an undisputed fact that due to wedlock, the petitioner gave birth to one son and daughter named as Mohan Rao and Jayalakshmi who are now aged thirty years and twenty eight years respectively.”

The learned counsel for the applicant has also submitted, across the Bar, the wedding card vouching her marriage with the late employee. She has also drawn attention of this Tribunal to the representation made by the applicant on 19.03.2018, wherein Death Certificate, Service Certificate, Pension Payment Order, Aadhaar Card, Travelling Pass and Marriage Wedding Card were shown as enclosed to the said representation. A copy of the Aadhaar Card issued to the applicant, which was enclosed to the OA, on perusal reveals that the applicant is shown as wife of the late employee. Aadhaar Card is usually issued after a rigorous process and, therefore, it has become a vital document to establish the basic details of the card holder.

(II) After arguments on either side were completed, the learned counsel for the respondents submitted that the applicant can make a representation detailing the facts and enclosing the documents sought so that the respondents can verify the same as per procedure and decide the issue. The learned counsel for the applicant has consented for the same.

(III) In view of the above, the OA is disposed of with the following directions:

(a) the applicant is to submit a comprehensive representation to the respondents stating the rules and law under which she is seeking



the relief of family pension enclosing the available relevant documents sought by the respondents within four weeks from the date of receipt of a copy of this order.

(b) On receipt of such a representation, the respondents, keeping in view the Family Court order [FCMC No.36/2008], dated 12.12.2008 and also the documents submitted, shall examine the relief of granting family pension with reference to extant rules and in accordance with law, and issue a speaking and reasoned order within a period of 8 weeks from the date of receipt of a representation from the applicant.

(c) No order as to costs.

**(B. V. Sudhakar)**  
**Member (A)**

nsn

