

**Central Administrative Tribunal
Hyderabad Bench**

OA No.020/967/2019



Hyderabad, this the 2nd day of March, 2020

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

Smt. Ch. Lathamma, @ C. Lathamangeshwari
D/o Late K. Suseelamma, Aged about 51 years, Gr. C
R/o Vilukanipalle, T P Gudur Mandal
Nellore District, Andhra Pradesh. Applicant

(By Advocate: Mr. B. Pawan Kumar)

Vs.

1. Union of India rep. by Secretary
Department of Telecommunications
20, Ashoka Road, New Delhi – 1.
2. The Principal Controller of Communications
AP Telecom Circle, Hyderabad.
3. The Bharat Sanchar Nigam Limited
Rep by its Chairman cum Managing Director
BSNL Corporate Office, Barakumba Road
Statesman House, New Delhi – 1.
4. The Chief General Manager
Andhra Pradesh Telecom Circle (BSNL)
BSNL Bhavan, Vijayawada.
5. The General Manager Telecom District
BSNL, Kadapa, Kadapa District. Respondents

(By Advocate: Mrs. K. Rajitha, Sr. CGSC and Mrs. A.P. Lakshmi, SC for
BSNL)

O R D E R (Oral)

2. The OA is filed by the applicant seeking family pension as Widowed Daughter of late Smt. K. Suseelamma, who worked for the respondents organization and passed away after retirement.

3. Brief facts of the case are that the mother of the applicant Smt. K. Suseelamma died on 19.09.2012 after seeking Voluntary Retirement on 22.07.2011 from the respondents organization and before settlement of pension and pensionary benefits. The applicant claims that she is eligible for her family pension under Rule 54 of the CCS (Pension) Rules, 1972. Despite several representations to grant family pension, the respondents have not taken any action on the ground that the deceased employee has not indicated her name as a dependant family member. Aggrieved, OA has been filed.

4. Contentions of the applicant are that applicant is eligible for family pension since she is dependent on deceased pensioner before her death. Rule 54 of CCS (Pension) Rules, covers her case.

5. Respondents in their reply statement state that the mother of the applicant Smt. K. Suseelamma expired on 19.09.2012. The nomination shown in Form-3 of the deceased employee, does not contain the name of the applicant. Respondents contend that applicant was living with her husband at the time of retirement of the late employee. Only after the





death of the ex-employee, the applicant represented on 23.12.2013 to grant family pension on the ground that she is a dependent widow since her husband passed away on 06.05.2012. The late employee, has indicated the name of her elder son K. Sudhakar Reddy as the nominee and hence, pensionary benefits to the extent of PF, DCRG, GIS have been released to the said individual. However, her request for grant of family pension when sent to Principal CCA, Hyderabad, the same was rejected for reason of not being dependent on the deceased employee.

6. Heard both the counsel and perused the pleadings on the record.
7. (I) The issue is in regard to grant of family pension to the applicant. Respondents have stated that as the deceased employee has not indicated the name of the applicant as nominee/dependant family member, the same was turned down. However, since the elder son Mr. K. Sudhakar Reddy figured as nominee in the stipulated Form-3, the pensionary benefits in regard to DCRG, PF, GIS, have been released in full. In response, the learned counsel for the applicant submitted that the name of the applicant could not be included as a dependant family member in Form-3 since at that time her husband was alive. The mother of the applicant, i.e., late employee, went on VRS on 22.07.2011 and thereafter when processing of the pension papers was underway she passed away on 19.09.2012. Unfortunately, the husband of the

applicant also expired on 06.05.2012, therefore, the contention of the applicant that her name could not be included in Form-3 as a dependant family member is an acceptable proposition. As per Rule 54 of CCS (Pension) Rules, 1972, a dependant widow daughter is eligible for family pension. On the demise of applicant's husband, there being none to depend upon she had to perforce live with her mother, the ex-employee. However, the applicant has not submitted any No Objection Certificate from the son of the late employee Shri K. Sudhakar Reddy for grant of family pension to forestall any counter claim as his name figures as a nominee.

(II) In view of the submission made by both the counsel, in the interest of justice, the applicant is directed to submit a comprehensive representation enclosing the relevant documents, which on being received by the respondents, they shall dispose the same in respect of grant of family pension by issuing a reasoned and speaking order as per extant rules and in accordance with law, within a period of 8 weeks from the date of receipt of a representation from the applicant.

With the above direction(s), the OA is disposed of with no order as to costs.

(B. V. Sudhakar)
Member (A)

nsn

