

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
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No.O A.350/1254/2016

Date of order : 27.11.2019

Coram : Hon'ble Mrs. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

SNIGDHA DEY
VS.
UNION OF INDIA & OTHERS
(D/o Post)

For the applicant : Mr. B. Biswas, counsel
Mr. D. Kundu, counsel

For the respondents : Mr. S. Banerjee, counsel

ORDER

Bidisha Banerjee, Judicial Member

The applicant, an unmarried daughter of Late Abani Bhushan Dey, Ex Postman, Dhubulia T.B. Hospital SO has sought for the following reliefs:-

"a) A Direction may be passed upon the respondents particularly the respondent no 5 to grant and disburse the family pensionary benefit and other consequential benefit along with the interest @ 18% per annum on delayed payment of family pensionary benefit in favour of the petitioner forthwith without any hindrance;

b) Any other direction order action other and orders as to the Hon'ble Tribunal may deem fit and proper."

2. The order impugned in the present O.A. dated 20.01.2016 as issued by the Superintendent of Post Offices, Nadia North Division, Krishnanagar reads as under:-

DEPARTMENT OF POSTS: INDIA
 O/O the Supdt. of Post Offices,
 Nadia North Divn. Krishnanagar - 741101.

Replied/AD

Mr. Snigdha Dey,
 Daughter of Late Abani Bhusan Dey, Ex-Postman, Dhubulia T B Hospital SO,
 ...Sonatala, PO: Rupdaha,
 Via: Dhubulia T B Hospital SO,
 Dist: Nadia, PIN-741140

No: C-1/F.P/Km.Snidha Dey/2014-15

dated at Krishnanagar the 20.01.2016

Subject: -Prayer for family pension - case of Km. Snigdha Dey, unmarried daughter of Late Abani Bhusan Dey. Ex-Postman, Dhubulia T B Hospital SO and holder of PPO no-CA 27941, who expired on 11.10.2004

Madam,

In connection with the above mentioned subject it is intimated that from the documents submitted by you, it is seen that you are a "Samprasari" in "Sonatala Jr MSK", Rupdaha since the year 2004 and income from "Sonatala Jr MSK", Rupdaha is Rs8100/- per month.

Hence you were not dependent on your mother on 14.12.2014 and you are not eligible for dependent family pension. Your application for family pension can not be entertained.

Yours faithfully

Supdt. of Post Offices, Nadia North Divn.
 Krishnanagar - 741101.

3. The respondents would submit that the unmarried daughters of the deceased Government employees are entitled to receive family pension, but the applicant being an unmarried daughter of the deceased employee is not entitled to such family pension as she is working as Samprasari in Sonatala Junior Madhyamik Siksha Kendra and getting honorarium of Rs.8100/- per month. The respondents would further submit that as per rules, if income of one is more than 3500+D.A., he/she would not be considered dependent of the pensioner/family pensioner and hence not entitled to family pension.



4. We heard the ld. counsel for both sides and perused the materials on record.

5. At hearing, ld. counsel for the applicant would cite the decision in O.A.No.350/1485/2015 in the case of one, Manika Das where family pension was allowed to a divorced daughter. It seems to be on a different premise.

6. However, in regard to the present case, we discern that the applicant as alleged to be serving as Samprasarika in Sonatala Junior Madhyamik Siksha Kendra, is not on regular employment. Nothing of that sort has been spelt out by the respondent authorities. Therefore, we quash the order dated 20.01.2016 and remand the matter back to the Superintendent of Post Offices to consider the grievance of the applicant in accordance with law and pass appropriate orders within three months from the date of receipt of a copy of this order.

7. In the event, such authority finds that the applicant is not employed on regular basis, it shall pass appropriate orders in accordance with law granting her family pension from the date she became eligible for the same, with arrears.

8. The present O.A. is accordingly disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

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