



**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No. 280/2018

This the 18th day of February, 2020

Hon'ble Mr. Ashish Kalia, Member (J)

SHRI SATISH KUMAR

S/O Shri Munna Lal
R/O E-4/68, Nand Nagri,
Delhi-110093

...Applicant

(By Advocate: Sh. R.N. Dubey)

VERSUS

1. GOVT. OF NCT OF DELHI

Through Chief Secretary
Players building
Ito, new delhi-2

2. EAST DELHI MUNICIPAL COOPERATION

Through its Commissioner
Plot No. 31, Patparganj Industrial Area,
Delhi-110092

3. DEPUTY COMMISSIONER

East Delhi Municipal Corporation
Shahdara North Zone,
MCD Building, Keshav Chowk,
Delhi

4. PUNJAB NATIONAL BANK

Through its Manager
Branch Shahdara,
Delhi-110032

...Respondents

(By Advocate: Ms. Neetu Mishra for Sh. K.M. Singh)

ORDER (Oral)

Hon'ble Mr. Ashish Kalia, Member (J):

After hearing this parties at length, the basic query raised by this Tribunal that the applicant is claimed to be mentally retarded and no certificate has been produced. Secondly, a person with an unsound mind cannot approach, cannot sue or being sued by anyone he has to be sued or being sued by the natural guardian.

2. In the present case, in the absence of natural guardian, the applicant has to approach the District Court concerned for getting appointed the legal guardian. Thereafter, the applicant may approach the respondents for pension in terms of Rule 54 (6) of CCS (Pension) Rules, 1972, which reads as under:-

“(6) The period for which family pension is payable shall be as follows:-

xxx xxx xxx

Provided further that if the son or daughter of a Government servant is suffering from any disorder or disability of mind including the mentally retarded or is physically crippled or disabled so as to render him or her unable to earn a living even after attaining the age of twenty-five years, the family pension shall be payable to such son or daughter for life subject to the following conditions, namely:-

xxx xxx xxx

(iv) before allowing the family pension for life to any such son or daughter, the appointing authority shall satisfy that the handicap is of such a nature so as to prevent him or her from earning his or her livelihood and the same shall be evidenced by a



certificate obtained from a Medical Board comprising of a Medical Superintendent or a Principal or a Director or Head of the Institution or his nominee as Chairman and two other members, out of which at least one shall be a Specialist in the particular area of mental or physical disability including mental retardation setting out, as far as possible, the exact mental or physical condition of the child;

(v) the person receiving the family pension as guardian of such son or daughter or such son or daughter not receiving the family pension through a guardian shall produce a certificate, from a Medical Board comprising of a Medical Superintendent or a Principal or a Director or Head of the Institution or his nominee as Chairman and two other members, out of which at least one shall be a Specialist in the particular area of mental or physical disability including mental retardation, once, if the disability is permanent and if the disability is temporary, once in every five years to the effect that he or she continues to suffer from disorder or disability of mind or continues to be physically crippled or disabled;

(vi) in the case of a mentally retarded son or daughter, the family pension shall be payable to a person nominated by the Government servant or the pensioner, as the case may be, and in case no such nomination has been furnished to the Head of Office by such Government servant or pensioner during his lifetime, to the person nominated by the spouse of such Government servant or family pensioner, as the case may be, later on and the Guardianship Certificate issued under section 14 of the National Trust Act, 1999 (No.44 of 1999), by a local level Committee, shall also be accepted for nomination or appointment of guardian for grant of family pension in respect of person(s) suffering from Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities as indicated in the said Act:

xxx xxx xxx

Provided also that such disabled siblings shall be eligible for family pension for life in the same manner and following the same disability criteria, as laid down in this rule in the case of son or daughter of the Government employees or pensioners suffering from any disorder or disability of mind (including mentally retarded) or physically crippled or disabled, so as to render him or her unable to

earn a living even after attaining the age of twenty-five years.”



3. In view of the aforesaid, the applicant shall take appropriate steps and make a detailed representation to the respondents for getting family pension. Thereafter, respondents may apply their independent mind and after finding the merit of the case, they can grant the family pension to the applicant in accordance with law.

4. The OA stands disposed of accordingly. No order as to costs.

(Ashish Kalia)
Member (J)

/akshaya/