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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 2839/1999

New Delhi, this the 29th day of September, 2000.

Hon'ble Sh. Govindan S.Tampi, Member (A)

Km. Saroj, d/o late Shri Mehar Chand
Ekta Apartments
A2/B, MIG Flat 108A, Paschim Vihar
New Delhi - 110 063.

.....Applicant.

(By Advocate : Sh. L.R.Khatana)

V E R S U S

1. Engineer-in-Chief,
Army Headquarters
Kashmir House,
DHQ PO, New Delhi 110 011
2. Chief Engineer Baraailly Zone,
Sarvatra Bhavan,
Station Road,
Bareilly Cantt - 243001.
3. Secretary to the Government of India,
Department of Pension and Pensioners' Welfare
Ministry of Personnel, Public Grievances & Pensions
Lok Nayak Bhawan, New Delhi - 110 003.

.....Respondents.

(By Advocate : Sh. V S R Krishna)

O R D E R (ORAL)

By Hon'ble Sh. Govindan S.Tampi, Member (A)

In this case, the point for consideration is the grant of pensionary benefits in respect of a retired, a deceased employee.

2. Sh. Prem Nath who was working with the MES, superannuated on 31-1-97, but before he received the pensionary benefits, he passed away on 22-3-1998. Originally, his brother has been shown as the dependent of the deceased, which was not accepted. Besides the brother, he had left behind one married sister who was staying away and another unmarried sister with whom he was staying at the time of his death and who is the applicant in this case. The

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Department ^{had} ~~were~~ disposed of the representation filed on behalf of the deceased's individual's brother insisting that a succession certificate was necessary. ~~has~~ shown in the order dated 17-8-99. Subsequently, the brother and married sister informed that they were no longer claimants to the benefits and that the same could be given to the applicant, who was the unmarried sister. Sh. L.R.Khatana, learned counsel for the applicant points out that the insistence on the succession certificate was in correct; as in terms of the rules, the applicant being unmarried sister constituted the family of the deceased. Therefore, the denial of pensionary benefits to her, for want of succession certificate was wrong, according to the counsel.

3. Sh. Krishna, learned counsel for the respondents disagrees and endorss the action taken by the respondents; as correct. Without a proper succession certificate, the respondents could not have made over any payment to the applicant or any other individual, without their facing a charge of having made payment to a wrong person. Respondents had all sympathy with the case of the applicant, but would not like to be faced with the charge that they had made incorrect payment.

4. I have carefully considered the matter. It is not disputed that the pensionary benefits in respect of the services performed by the deceased still remain with the Government, as the same was not paid to him during his lifetime, though he died more than a year after his retirement. Both his brother

and his married sister have intimated that the dues be paid to their unmarried sister, i.e. applicant. But, however, the respondents indicate that before any payment is being effected they would like to be sure that the payment is made to the correct person. In terms of the Rule (2) (1) (6) of the GPF Rules, unmarried sister is a member of the deceased individual's family and as such is ^{entitled} to the benefits. If, therefore, the person is able to produce before the authority ^{any proof} ~~at the~~ ^{provo} showing her relation with the deceased individual, the same should be acceptable.

5. In the circumstances, the ^{application} ~~appeal~~ is disposed of with the directions to the respondents to consider favourably the case of the applicant for the payment, on her making a representation with satisfactory proof other than the statutory succession certificate. There could include the ration card ~~and~~ ^{and/or} a certificate from at least two respected individuals of the locality. This may be done within two months from the date of receipt of this order. I also award the cost intimated at Rs. 1000/- to the applicant.


(Govindan S. Tampi)
Member (A)

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