

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1253/98

New Delhi, this 17th day of November, 1999

Hon'ble Shri S.P. Biswas, Member(A)

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Atul Pachauri
Block No.8, Qr.No.90
Geeta Colony, Delhi-31

Applicant

(By Shri D.N. Sharma, Advocate)

versus

Union of India, through

1. Secretary
M/Urban Development, New Delhi
2. Director of Printing
Nirman Bhavan, New Delhi
3. Pay & Accounts Officer
M/Urban Development
Jamnagar House Hutmants, New Delhi
4. Manager
Govt. of India Press, Aligarh

... Respondents

(By Shri A.K. Bhardwaj, Advocate)

ORDER(oral)

This OA has been filed by the applicant seeking reliefs in terms of issuance of directions to the respondents to sanction family (dependent's) pension in his favour with effect from 28.11.92. Applicant is allegedly the eligible son for family pension pursuant to the death of the widow (applicant's mother) on 27.11.92. Payment of pension to the eligible heir is not in dispute. What is in dispute is who is "eligible"? Counsel for the applicant would say that the applicant, 3rd son, is eligible and should have been offered the benefits of the family pension in terms of rule 54(8)(iii) of the CCS (Pension) Rules, 1972. The said rule provides the following:

"If sons and unmarried daughters are alive, unmarried daughters shall not be eligible for family pension unless the sons attain the age of 25 years and thereby become ineligible for the grant of family pension"

2. Counsel for the respondents took objection in terms of jurisdiction mentioning that this case should have been agitated in appropriate Bench of this Tribunal since the applicant has given his address as 116, Babri Mandi, Dauji Ka Mandir, Aligarh. This objection has been raised by the respondents belatedly on date. Counsel for the respondents who has represented this case prior to October, 1998 had not raised this objection at that time. Even it was not raised on the date when the Tribunal has gone into the merits of the case on 24.2.99. Respondents also did not object to the jurisdiction issue on 3.8.98 when the OA was admitted. It is a case touching upon pensionary benefits and taking such technical objections at this stage will be in violation of the principles of natural justice. I am, therefore, not inclined to accept respondents' stand on jurisdiction.

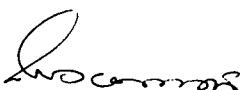
3. The issue that now falls for determination is what should be done for sanctioning pension to a person who claims to be the eligible son but the details available on record raises suspicion. The certificates show two different dates of birth of the applicant. In the form filled in by the widow, the date of birth of applicant is shown as 20.5.73. Whereas it is shown as 20.5.75 in the school certificate. The date of birth is in variance to the extent of two years. It is in the context of the aforesaid inaccuracies that the respondents would submit that they will have no difficulty in discharging the pension liability to the applicant in case proper succession certificate is obtained. It would, therefore, be only appropriate that

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the applicant submits authentic succession certificate within a period of two months from the date of receipt of a copy of this order and the respondents shall discharge liability and shall ensure disbursement of pension to the applicant within two months from the date of receipt of succession certificate from him.

4. The OA is disposed of as aforesaid. No costs.


(S.P. Biswas)
Member(A)

/gtv/