

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH : NEW DELHI

OA No.1117/88

Date of decision: 6.10.1993

Smt. Mooli Devi

Vs. Union of India & Others

CORAM:

Hon'ble Shri C.J. Roy, Member(J)

For the applicant .. Shri V.P. Sharma, Counsel

For the respondents .. Shri P.S. Mahendru

JUDGEMENT (oral)

Heard Shri V.P. Sharma, learned counsel for the applicant and Shri P.S.Mahendru, learned counsel for the respondents, and perused the records.

2. The applicant is a widow of late Shri Mohan Lal Verma, who was working as Chief Booking Clerk at Northern Railway, Bhiwani, and later on retired on medical grounds from 3.3.1983. He died on 5.10.1983.

3. The applicant claims that her family pension from the date her husband died, i.e. from 5.10.83 and also arrears of pension from 3.3.83 to 5.10.83 have not been paid to her so far.

4. The respondents have filed their counter stating that the applicant had never opted for pension but had opted for Provident Fund that has already been paid to his widow.

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5. It is averred in para 6.2 of the application that late Shri Mohan Lal Verma was suffering from mental disorder before his death and his mental status was not in order. But in support of this, no medical certificate is placed before me.

6. The respondents have filed at Annexure R-1 with their counter a photocopy of the letter addressed to the DPO(Settlement), Northern Railway, Bikaner by the deceased Shri Mohan Lal Verma, wherein the left thumb impression of him is affixed. It is mentioned in this letter that "I have never opted for pension nor I want to opt it now. I, therefore, request you to kindly arrange payment of my family settlement treating me a P/F optee. Thanking you". There is endorsement in this letter that "Certified that Sh. Mohan Lal Verma, Retd. Bkg. Supervisor, Bikaner has put this thumb impression in my presence due to his being invalid to write". There is no comment from the ledarned counsel for the applicant as to how this left thumb impression does not belong to the deceased.

7. The applicant claims that the deceased opted for pension instead of SRPF as is clear from the Account Slip at Annexure A-8. But this does not contain the signature of the deceased. Also the respondents vide R-2 has categorically denied that the endorsement made on the PF slip do not relate to the deceased but some other person named Shri Mohan Lal, s/o Shri Roshan Lal, who was also posted as CGC at Hissar during the period the deceased worked at Hissar which led to the omission

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in insertion of the remarks under reference and also stating that the deceased never opted for pension nor he was inclined to opt for it.

8. The applicant has received full payment of provident fund due to her late husband which is not in dispute.

9. When the applicant has already received the full payment of provident fund due to the deceased and when the respondents categorically denies that the deceased never opted for pension, the applicant's claim now that her husband had opted for family pension is only an afterthought.

10. Under the circumstances, I feel that the applicant has not made out a case. The other allegations made by this side and that side are not germane to the issue.

11. Since the applicant has already received the provident fund and her husband had categorically denied that he never opted for pension as per Annexure R-1; I have no hesitation to hold that the applicant is not entitled for family pension. Therefore I dismiss the case devoid of merits. No order as to costs.

W. Roy
(C.J. Roy)
Member (J)
6.10.93