

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00587/2019

Friday, this the 27th day of November 2020

C O R A M :

**HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER
HON'BLE Mr.K.V.EAPEN, ADMINISTRATIVE MEMBER**

Alex Kurian,
S/o.Late V.A.Kurian,
Varatharappallathu House,
Niranam Central P.O., Niranam Village,
Thiruvalla Taluk, Pathanamthitta District, Kerala. ...Applicant

(By Advocate Mr.C.K.Sasi)

v e r s u s

1. The Union of India represented by Under Secretary to Ministry of Information and Broadcasting, Shastri Bhavan, New Delhi – 110 001.
2. The Director General, SI (B) Section, All India Radio, Akashvani Bhavan, Parliament Street, New Delhi – 110 001.
3. The Senior Accountants Officer, Pay & Accounts Office (IRLA), Govt. of India, Ministry of Information and Broadcasting, 7th Floor, IRLA, Phase V, Soochana Bhavan, Lodhi Road, CGO Complex, New Delhi – 110 003.
4. The Pay & Accounts Officer, Ministry of Information and Broadcasting, AGCR Building, New Delhi – 110 002.
5. The Drawing & Disbursing Officer, Head of Office, All India Radio, Calicut – 32.
6. The Senior Manager, Central Bank of India, Pulikeezhu Branch, Pulikeezhu, Thiruvalla Taluk – 689 104. ...Respondents

(By Advocate Mr.Sinu G Nath, ACGSC [R1-5])

This application having been heard on 17th November 2020, the Tribunal on 27th November 2020 delivered the following :

ORDER

Per : Mr.K.V.EAPEN, ADMINISTRATIVE MEMBER

The applicant has filed this O.A aggrieved by non-disbursement of family pension to his mother, late Smt. Elizabeth Kurian, which ought to have been given to her on the death of her husband, Shri. V. A. Kurian, the deceased pensioner and the father of the applicant.

2. The brief facts of the case are as follows: Shri. V. A. Kurian had retired as Program Executive, All India Radio, Calicut on 01.02.1979. Copy of Annexure A-2 shows that he had been drawing pension from the Central Bank of India, Pulikeezhu Branch. It is submitted that in 2008 the pension was revised and at the time of his death he was drawing pension at the rate of Rs.15754/-. He passed away on 27.07.2010 and a copy of the death certificate is produced as Annexure A-4. On the death of the deceased pensioner, his wife Smt. Elizabeth Kurian became entitled to family pension. However, due to non-revision of the family pension, it was not disbursed to her with effect from the due date of 28.07.2010. Smt Elizabeth Kurian passed away on 27.04.2013 without any money being paid to her as family pension. A copy of the death certificate is produced as Annexure A-7. The applicant, apparently being the legal heir, is now claiming the earning of the deceased parent.

3. The respondents in their reply statement have submitted that generally on receipt of the death certificate from the family member of the pensioner, the pension disbursing bank starts disbursing the family pension to the

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eligible member of the family as per the guidelines/instruction contained in the PPO Booklet. Further, revision of pension and family pension, if any, of those retired prior to 2006 is to be carried out at the level of bank itself as per orders passed after the 6th Central Pay Commission Report. It is admitted by the respondents that though the bank revised and paid the pension to Shri. V.A. Kurian complying with the said orders, it did not revise and paid the family pension to Smt. Elizabeth Kurian. Instead, the bank just closed the bank account without paying her the family pension due to her or the arrears thereof, as it was the account of the deceased. It is submitted that the PAO, IRLA was unable to authorize the pension/family pension anymore to a closed account. This appears to be an oversight for which the family pensioner and the legal heir have suffered; however, this Tribunal is not going into this aspect in dealing with this Original Application.

4. We note in paragraph 12 of the reply statement the respondents have conceded that the arrears of family pension due to Late Smt. Elizabeth Kurian, W/o. Late Shri. V.A. Kurian, for the period from 28.07.2010 to 27.04.2013 amounts to Rs.2,66,463/- (subject to recovery of excess payment of pension, if any, paid to late Shri. V.A. Kurian). The respondents submit that this amount will be released to her legal heir on production of the appropriate legal authority viz. Succession Certificate (in original), bank account statement of late Shri. V.A. Kurian showing details of pension disbursed to him (till his death) by the pension disbursing bank and both halves of PPO booklet (disburser portion and pensioner portion).

5. We are not aware whether all these documents are available with the applicant, who is the apparent legal heir. However, in the light of the above submissions, we feel that the O.A can be disposed of by directing the applicant to produce the aforesaid documents before the respondents. On receipt of such documents the respondents shall, as agreed to by them, release to the applicant an amount of Rs.2,66,463/- forthwith (subject to recovery of excess payment of pension, if any, paid to late Shri.V.A.Kurian) as arrears of family pension due to Late Smt.Elizabeth, W/o.Late Shri.V.A.Kurian for the period from 28.07.2010 to 27.04.2013. Accordingly, we direct that the applicant may produce the required documents as soon as possible in front of the appropriate respondent. The respondent will then disburse the amount due to the applicant with a period of 4 weeks after production of the documents in front of them.

6. The O.A is disposed of accordingly. No order as to costs.

(Dated this the 27th day of November 2020)

**K.V.EAPEN
ADMINISTRATIVE MEMBER**

**P.MADHAVAN
JUDICIAL MEMBER**

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List of Annexures in O.A.No.180/00587/2019

1. **Annexure A-1** – A copy of the representation by means of legal notice No.Nil dated 17.02.2018.
2. **Annexure A-2** – A copy of the excerpts of passbook having the account No.1284918428 maintained with Central Bank, Pulikeezh Branch, Pathanamthitta.
3. **Annexure A-3** – A copy of the Letter No.PAO/IRLA/I&B/PEN/2014-15/15 dated 15.12.2014 issued by the Senior Accountants Officer, Pay & Accounts Office (IRLA), Govt. of India, Ministry of Information and Broadcasting, New Delhi – 110 003 to the Senior Manager of Central Bank Pulikeezh, pertaining to revision and last drawn pension Rs.15754/-.
4. **Annexure A-4** – A copy of the death certificate No.755461464 dated 14.09.2010 of applicant's father, issued by the Municipal Corporation of Greater Bombay.
5. **Annexure A-5** – A copy of the Legal Heir Certificate No.C109934/12K/Dis dated 06.11.2012 issued by the Thasildar, Thiruvalla to the applicant and mother (with English translation)
6. **Annexure A-6** – A copy of the letter No.Nil dated 22.07.2013 issued by the Senior Manager of Central Bank, Pulikeezh Branch, Pathanamthitta to Elizabeth Kurien regarding incompleteness of family pension revision.
7. **Annexure A-7** – A copy of the death certificate No.755821504 dated 27.09.2013 of applicant's mother issued by the Municipal Corporation of Greater Bombay.
8. **Annexure A-8** – A copy of the order dated 04.11.2015 in OP (Suc.) No.9/2015 rendered by Learned Munsiff Court Tiruvalla showing entry of amount Rs.37224.41 as per passbook against the claimed amount Rs.2,64,000/-.
9. **Annexure A9** – A copy of the notices No.Nil dated 10.12.2016 sent to Secretary to Ministry of Information and Broadcasting, Shastri Bhavan, New Delhi – 110 001 and the Pay & Accounts Officer, Ministry of Information and Broadcasting, AGCR Building New Delhi 110 002 respectively.
10. **Annexure A-10** – A copy of the postal receipts No.ARL 213029034 IN and No.ARL 213029025 IN issued by India Post.
11. **Annexure A-11** – A copy of the letter No.CLT-13(2)/2018-S/332 dated 07.06.2018 issued by the Drawing & Disbursing Officer, Head of Office, All India Radio, Calicut – 32 stating retirement benefit settled.
12. **Annexure A-12** – A copy of the letter F.No.A-50013/74/2018-BAP dated 05.04.2018 issued by the Under Secretary to the Govt. of India to Director General, AIR.

- 13. Annexure A-13** – A copy of the medical report having the OP No.2015/020320 dated 16.11.2015 issued from Hinduja Hospital Mumbai.
- 14. Annexure R-5(a)** – A copy of the PPO No.203 (new PPO No.285547900172).
- 15. Annexure R-5(b)** – A copy of the letter No.Nil dated 20.10.2014.
- 16. Annexure R-5(c)** – A copy of the letter No.Nil dated 22.07.2013.
- 17. Annexure R-5(d)** – A copy of the letter No.PAO/IRLA/I&B/PEN/REV./2014-15/715 dated 28.11.2014.
- 18. Annexure R-5(e)** – A copy of the letter dated 15.12.2014 issued by Central Bank of India.
- 19. Annexure R-5(f)** – A copy of the letter No.PAO/IRLA/I&B/Pen/2015-16/172 dated 01.06.2015 issued by Pay and Accounts Office (IRLA).
- 20. Annexure R-5(g)** – A copy of the letter No.PAO/IRLA/I&B/PEN/2014-15/1573 dated 28.01.2015.
- 21. Annexure R-5(h)** – A copy of the letter No.PAO/IRLA/I&B/PEN/2016-17/498 dated 26.12.2016 issued by Pay and Accounts Office (IRLA).
- 22. Annexure R-5(i)** – A copy of the Service Ledger Card of IRLA showing the period of service of late Shri.V.A.Kurian.
- 23. Annexure R-5(j)** – A copy of the Department of Pension & Pensioners' Welfare, Ministry of Personnel, P.G. & Pensions O.M.No.1/22/2012-P&PW(E) dated 10.07.2013.
