

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 040/00273/2020

Date of Order: This, the 5TH Day of January, 2021

THE HON'BLE SMT. MANJULA DAS, MEMBER (J)
THE HON'BLE MR. NEKKHOMANG NEIHSIAL, MEMBER (A)



Smt. Renuka Talukdar
Aged about 51 years
Daughter of late Debi Ram Talukdar
Resident of Dakhin Rukmini Nagar
Namghar Path, Near K.K. Handique L.P. School
P.O. Beltola, P.S. – Dispur
District – Kamrup (Metro), Guwahati – 781028.

... Applicant

- Versus -

1. Union of India
Represented by the Secretary
Ministry of Personnel
P.G. & Pension Department of Pension
& Pensioner Welfare, Lok Nayak Bhawan
Khan Market, New Delhi.
2. Railway Board
Represented by the Secretary
Under the Ministry of Railways

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Govt. of India, Rail Bhawan
New Delhi – 110001.

3. North East Frontier Railway
Represented by the General Manager
Maligaon, Guwahati – 781011.
4. Principal Finance Adviser/Pension
N.F. Railway, Maligaon
Guwahati – 781011 (Assam).
5. Sr. AFA/CPB/NF Railway Officer
Of the Principal Finance Adviser
N.F. Railway, Maligaon
Guwahati – 781001.



...Respondents.

For the Applicant : Sri A. Bhattacharjee

For the Respondents : Ms. U. Das, Rly. Advocate

ORDER (ORAL)

MANJULA DAS, MEMBER (J):-

This matter has been taken up through video conferencing.

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2. Being aggrieved with the action of the respondent authorities, the applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 with the following reliefs:-



“8.(i) The applicant's application may be allowed to resubmit as it was at the time of return to the applicant vide respondent's letter dated 02.06.2020 and consider the same on the basis of available materials on records for granting family pension to the applicant.

8.(ii) Since elder brother of the applicant i.e. Kulendra Talukdar did not respond to the official letter dated 29.01.2019 and 16.05.2020 issued by the respondents inspite of receipt of the letter which was sent by registered post, same may be accepted as deemed service upon him and his no objection to applicant's prayer for granting family pension and thereafter necessary order may be passed directing the respondents to grant family pension to the applicant.

8.(iii) This Hon'ble Tribunal may be pleased to direct the respondents to allow the applicant to draw family pension with effect from the date of death of her mother, who was enjoying family pension of her deceased husband till her death.”

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2. Sri A. Bhattachajree, learned counsel for the applicant and Ms. U. Das, learned counsel for the respondents are present in the court.

3. Brief facts of the case is that applicant's father Debi Ram Talukdar was an employee of N.F. Railway who died on 08.12.2006 leaving behind his wife and 6 children. Applicant's mother was enjoying the family pension till her death on 22.05.2017. After death of her mother, the applicant being unmarried daughter of deceased father, applied for family pension before the railway authority. Sub Rule 6 of Rule 54 of the Central Civil Services (Pension) Rules as amended in 2012 provides that an unmarried daughter of the deceased employee is eligible to get family pension subject to the condition that there is no mentally or physically crippled other child of the deceased



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employee. None of the applicants' brothers and sisters are physically or mentally crippled. Besides that all sons and daughters of Late Debiram Talukdar except the applicant are Govt. employee. Applicant had submitted her application along with all relevant documents as desired by the Railway authority. All her brothers and sisters except Kulendra Talukdar extended their co-operation by submitting required affidavits declaring their consent in granting family pension of their deceased father to the applicant alone. Elder brother Kulendra Talukdar however remained silent inspite of receipt of notice sent by the railway authority. Even the railway authority also did not take note of Kulendra Talukdar's silence inspite of receipt of notice and returned the application to the applicant for re-submission of the same with affidavits



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of the said elder brother. For compelling circumstances, as the applicant is not getting any favourable order for drawing family pension from the respondent department, she has approached this Tribunal for redressal.



4. Keeping in view of the above, with the consent of Sri A. Bhattacharjee, learned counsel for the applicant as well as Ms. U. Das, learned counsel for the respondents, we deem it fit and proper to dispose of the O.A. directing the respondent authorities to reconsider the case of the applicant for sanctioning of family pension in favour of the applicant who is unmarried daughter of Late Debi Ram Talukdar, Ex. Sub-Head under FA & CAO/Maligaon as admissible under the law as prescribed by the Railway authority by exploring in

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details as to whether the elder brother Sri Kulendra Talukdar who is aged about 60 years is entitled or not for family pension, in accordance with law, within a period of three months' from the date of receipt of a copy of this order.



5. It is made clear that if the applicant is otherwise found eligible amongst sibling of Late Debi Ram Talukdar, family pension be granted immediately to the applicant, who is unmarried daughter.

6. There shall be no order as to costs.

(NEKKHOMANG NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)

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