

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD.

Dated : This the 01st day of SEPTEMBER 2004.

Original Application no. 1065 of 2001.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman.

Connected vide Dr. <sup>X PRAN</sup> Prem Nath Kaul, S/o late Janki Nath Kaul,  
Order dated Principal, Scientist, Division of Extension Education,  
18-11-04 passed Indian Veterinary Research Institute,  
on M.A. 467/04 Izatnagar (Bareilly), U.P.

*R.S.*  
V.C. 18/11/04

... Applicant

By Adv : Sri S. Prasad  
Sri P.C. Joshi

**V E R S U S**

1. Union of India through Additional Secretary,  
Ministry of Pension and Public Grievances,  
Department of Pension and Pensioners Welfare  
Lok Nayak Bhawan, New Delhi.
2. Sr. Administrative Officer (C),  
Office of the Comptroller & Auditor General of India,  
10-Bahadur Shah Zafar Marg,  
New Delhi.
3. The Accountant General (A&E),  
Jammu and Kashmir, Near Exhibition Ground,  
Srinagar (Kashmir).
4. The Manager, Punjab National Bank,  
Jain Bazar, Jammu and Kashmir.
5. The Manager, Punjab National Bank,  
Izatnagar, Bareilly.

... Respondents

By Adv : Sri A. Sthalekar

*(Signature)*

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O R D E R

Hon'ble Mr. Justice S.R. Singh, VC.

Shri P.C. Joshi, learned counsel for the applicant and Sri A. Sthalekar learned counsel for the respondents.

2. Sri Janki Nath Kaul the pensioner died on 09.06.1994, where upon, according to P.P.O., the family pension is payable to his widow Smt. Janak Rani Kaul. The applicant who happens to be son of Janaki Nath Kaul and Smt Janak Rani Kaul moved an application before the concerned authority that his mother, the family pensioner, has become <sup>insane</sup> ~~insane~~ and, therefore, the family pension be paid to him. It appears that no decision was taken on this issue and in the mean time Smt Janak Rani Kaul, the family pensioner, died in August 2004 i.e. during the pendency of the present OA. The question of <sup>insanity</sup> ~~insanity~~ has, therefore, become irrelevant and the arrears of family pension, if any, ~~should~~ <sup>is</sup> be paid to the legal heirs/heir of the family pensioner namely Smt. Janak Rani Kaul. It is submitted by the learned counsel for the applicant <sup>that</sup> ~~the~~ sole legal heir of Smt. Janak Rani Kaul and on that basis he is entitled to arrears of family pension.

3. In the written statement filed on behalf of respondent no. 4 namely Punjab National Bank, Jain Bazar, Jammu and Kashmir, it is stated that the pensioner Janaki Nath Kaul maintained his pension account in Jain Bazar of Punjab National Bank under PPO no. 353 (Central). The applicant, it is further alleged, informed the concerned bank that Sri Janki Nath Kaul died on 9.6.1994 and asked the bank to pay family pension of the deceased to him as his mother Smt. Janak Rani Kaul, the wife of deceased pensioner, who was <sup>was</sup> eligible for family pension, is mentally ill and is living with ~~is~~

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him. It is further alleged that the widow of the pensioner was not mentally stable and so a clarification was sought from the Accountant General, J&K, Srinagar seeking clarification as to whether the bank could release the family pension in favour of the wife of the deceased pensioner who was <sup>W</sup> ~~insane~~ <sup>mentally</sup> ~~sense~~. The office of the Central Pension Accounting Officer, New Delhi informed the concerned bank that action is to be initiated as per para 12.2 or 16.1 of the scheme book wherein it was specified that in case of physically handicapped person, who is unable to present himself, his personal appearance shall be waived subject to submission of medical certificate. It is further alleged that since medical certificate was not produced as such the family pension could not be paid to the applicant and the PPO was, however, transferred to Izatnagar Bareilly on 15.1.2002 through link office Shalimar Road Jammu for payment of same to Smt. Janak Rani Kaul as per pension rules. The bank being pension payment agency <sup>I have to</sup> ~~was~~ ensure the payment of arrears of family pension, if any, to the applicant on his furnishing proof/certificate of being son & heir of the deceased Smt. Janak Rani Kaul.

4. The OA is accordingly disposed of with the direction that in case the applicant moves <sup>an</sup> application before the concerned bank for payment of arrears of family pension, the later shall, on being satisfied that the applicant is son and heirs of <sup>arrears of</sup> <sup>up to</sup> <sup>daughter</sup> <sup>of</sup> Smt. Janak Rani Kaul, release the family pension within a period of three months with interest, at permissible rate, if the family pension has not been deposited in the account of the deceased pensioner.

5. There shall be no order as to costs.