

**CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH, AHMEDABAD.**

**OA No.333/2019 with MA No.340/2019**

**This the 16<sup>th</sup> day of September, 2021.**

**Coram : Hon'ble Shri Jayesh V.Bhairavia, Member (J)  
Hon'ble Dr. A.K.Dubey, Member (A)**

Kumari Priti Rami  
Unmarried daughter of  
Late Hasmukhlal Rami and  
Smt. Krishnaben Rami  
Age about 54 years  
Residing of B/502, Sagar Tower  
Near Karnavati Pagarkha Bazar,  
Mansi Cross Road, Judges Bungalow  
Satellite Road, Ahmedabad- 380 054. .... Applicant

( By Advocate : Ms. Vilas Purani)

VERSUS

1. Union of India  
Notice to be served through  
The General Manager  
Western Railway, Churchgate,  
Mumbai – 400 020.
2. Divisional Railway Manager  
Kothi Compound, Western Railways,  
Rajkot Division, Rajkot – 360 001. .... Respondents.

(By Advocate : Shri M.J.Patel )

**ORDER (ORAL)**

**Per : Hon'ble Shri J.V. Bhairavia, Member (J)**

1. Heard Ms. V.A.Purani, counsel for the applicant and Shri M.J.Patel,  
counsel for the respondents.

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2. Considering the grounds and explanation offered by the applicant in MA No.340/2021 for condonation of delay, the same is allowed and delay is condoned.
3. The applicant has filed the present OA under Section 19 of the Administrative Tribunals Act, 1985.

In the instant OA, the claim of the applicant for grant of family pension being 'married daughter' has been rejected vide impugned order dated 10.09.2019 (Annexure A/1). It is the case of the applicant that reason assigned for the rejection of claim for grant of family pension is mainly on the ground that father of the applicant had declared the status of the applicant as 'married daughter' at the time of his retirement. In fact, the applicant herein is 'unmarried daughter'. In support of the said submission, the applicant has heavily relied upon the issuance of revised PPO issued in favour of her widow mother dated 24.12.2010 (Annexure A/4, page 14 of the OA) wherein the status of the applicant has been shown as 'unmarried daughter'. The Mother of the applicant expired on 06.08.2017. The applicant was residing with her mother as 'unmarried daughter' and according to the Rules, she is entitled for claiming family pension. It is submitted that Welfare Officer of the department has also submitted his report to this effect. However, the respondents have rejected the claim of the applicant for grant of family pension on the ground that at the time of

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retirement of the father of the applicant i.e. ex-railway employee, he had mentioned the status of the applicant as 'married daughter'.

4. When the Tribunal has put a query to the counsel for the respondents that on what basis and material, the impugned order has been passed, by relying upon the contention in the reply, counsel for the respondents Shri M.J.Patel submits that only on the basis of the declaration of her father in Form No.G236F wherein the status of the applicant namely Preeti Hasmukhlal Rami has been shown as 'married daughter'. The respondents have denied the claim of the applicant since the material on record clearly indicates that the applicant remains 'married daughter' till date. Further, undisputedly she was residing with the pensioner i.e. widow of the ex-railway employee and taking into consideration the revised PPO, as referred hereinabove, we are of the considered opinion that impugned order has been passed without due verification of actual status of the applicant and documentary evidence submitted by the applicant along with her representation while claiming family pension. The said impugned order suffers from infirmities. Accordingly, the impugned order dated 10.9.2019 passed by the Divisional Office, Rajkot is hereby by quashed and set aside. Respondents are directed to re-examine the claim of the applicant in terms of the Railway Services (Pension) Rules, 1993 and more particularly keeping in view the report submitted by the Welfare Officer and if it is found that in fact the applicant is 'unmarried

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daughter' of ex-railway employee till date, family pension shall be disbursed to her. This exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

5. With the above direction and observation, the OA stands partly allowed. No costs.

**(A.K.Dubey)**  
**Member (A)**

**(J.V.Bhairavia)**  
**Member (J)**

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