

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00243/2021

Jabalpur, this Friday, the 23rd day of July, 2021

HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER
HON'BLE MS. NAINI JAYASEELAN, ADMINISTRATIVE MEMBER



Sumitra Bai
 Aged about 64 years
 D/o Late Ganesh Prasad
 W/o Late Hira Singh Rajpur
 R/o House NO.105
 Behind Krishna School
 Gora Bazar Sadar
 Jabalpur 482001 (M.P.)

-Applicant

(By Advocate –**Shri Rajneesh Gupta**)

V e r s u s

1. Union of India,
 through its Secretary
 Ministry of Defence
 South Block
 New Delhi 110001

2. Personnel Officer
 (For Commandant)
 Central Ordnance Depot
 Post Box No.20
 Jabalpur 482002

- Respondents

(By Advocate –**Shri S.P. Singh**)

O R D E R (Oral)

By Ramesh Singh Thakur, JM:-

Heard.

2. This Original Application has been filed against the impugned order dated 13.10.2020 (Annexure A/1).



3. From the pleadings the case of the applicant is that the applicant is the daughter of Late Shri Ganesh Prasad who was working with the respondent department. The father of the applicant retired from services on 30.06.1976 and subsequently died on 06.10.1979 (Annexure A/2). The mother of the applicant had expired before the death of her father. The husband of the applicant expired on 12.10.1997. The applicant applied for grant of family pension of her father. Vide impugned order dated 13.10.2021 the respondents have closed the case of the applicant observing that her husband died on 12.10.1997, her father expired on 06.10.1979 and mother expired on before her father's death so the applicant is not dependent daughter for grant of family pension.

4. The applicant had relied upon the circular dated 25.08.2004 issued by Govt. of India, Department of Pension & Pensioners Welfare. The contention putforth by the

applicant is that the applicant is a widowed daughter and there is no difference between daughter and son and as per circular issued by the DP&PW the widowed daughter is entitled for the family pension of her father.



5. We have considered the matter and we have perused the Govt. of India OM dated 25.08.2004. The relevant Para 2 is as under:-

“2. Government has received representations for removing the condition of age limit in favour of divorced/widowed daughter so that they become eligible for family pension even after attaining the age limit of 25 years. The matter has been under consideration in this Department for sometime. In consultation with the Ministry of Finance, Department of Expenditure and the Ministry of law and Justice, Department of legal Affairs etc., it has now been decided that there will be no age restriction in the case of the divorced/widowed daughter who shall be eligible for family pension even after their attaining 25 years of age subject to all other conditions prescribed in the case of son/daughter. Such daughter, including disable divorced daughter shall, however, not be required to come back to her parental home as stipulated in para 2(ii) of this Department’s OM dated 25th July 2001 which may be deemed to have been notified to that extend.”

6. From this para it is clear that there will be no age restriction in the case of the divorced/widowed daughter who shall be eligible for family pension even after their attaining 25 years of age subject to all other conditions prescribed in the

case of son/daughter. Such daughter, including disable divorced daughter shall, however, not be required to come back to her parental home as stipulated in para 2(ii) of this Department's OM dated 25th July 2001 which may be deemed to have been notified to that extend. In the instant case the father of the applicant died on 06.10.1979, the mother of the applicant expired before the death of her father and husband of the applicant died on 12.10.1997. So dependency is totally on the husband of the applicant as her husband died later in time. So, we are of the considered view that the case of the applicant is not covered as per Annexure A/4.

7. Resultantly, this Original Application is dismissed at admission stage itself, being devoid of merits. No costs.

(Naini Jayaseelan)
Administrative Member

(Ramesh Singh Thakur)
Judicial Member

Karuna

