



## Central Administrative Tribunal Jammu Bench, Jammu

T.A. No. 5993/2021  
(SWP No.565/2008)

Thursday, this the 8<sup>th</sup> day of July, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman**  
**Hon'ble Mr. Mohd. Jamshed, Member (A)**

Raj Devi (age 58 years)  
w/o late Sh. Krishan Lal  
r/o H. No.83, Abhay Lane, Muthi, Jammu

.Applicant

(*Nemo* for applicant)

Versus

1. State of Jammu and Kashmir, through  
Commissioner/Secretary to Government Revenue  
Department, Civil Secretariat, Jammu
2. Dy. Commissioner, Rajouri
3. Accountant General, AG Office, Jammu
4. Santosh Devi r/o Bakhar, Near Brick Kiln,  
Tehsil Sunderbani District Rajouri

..Respondents

(Mr. Sudesh Magotra, Deputy Advocate General)

### ORDER (ORAL)

**Mr. Justice L. Narasimha Reddy:**

The applicant states that her husband, by name Krishan Lal, was working as Patwari in the Revenue Department of the Government of Jammu & Kashmir and he retired in the year

1996. It is stated that he was receiving pension, and died on 05.11.2007. The applicant contends that when she made a request to sanction the family pension, her request was not acceded to and that the respondents are proposing to pay the pension to the 4<sup>th</sup> respondent. She filed SWP No.565/2008 before the Hon'ble High Court of Jammu & Kashmir, with a prayer to direct the respondent Nos. 1, 2 & 3 to grant the family pension in her favour and to desist from sanctioning it in favour of respondent No.4. The applicant contends that she alone is the legally wedded wife of late Mr. Krishan Lal and she is entitled to family pension.

2. On behalf of respondent Nos. 1, 2 & 3, a detailed counter affidavit is filed. It is stated that in his pension papers, late Mr. Krishan Lal has nominated respondent No.4 as his wife and accordingly, the family pension was granted to her and in that view of the matter, the request of the applicant for grant of family pension cannot be acceded to.

3. The SWP has since been transferred to the Tribunal in view of reorganization of the State of Jammu & Kashmir and renumbered as T.A. No.5993/2021.

4. Today, there is no representation for the applicant. We perused the record and heard Mr. Sudesh Magotra, learned Deputy Advocate General.

5. There is a dispute between the applicant on the one hand and respondent No.4 on the other regarding the family pension consequent upon the death of Mr. Krishan Lal. As of now, the nomination is in favour of respondent No.4. In case the applicant has any right in her favour, she has to institute the proceedings for obtaining the succession certificate, duly impleading respondent No.4 and to make the claim, depending on the outcome thereof.

6. We, therefore, dispose of the T.A., leaving it open to the applicant to obtain the succession certificate from the competent Court of law, duly impleading respondent No.4 and make claim if she is successful in establishing her rights. If the family pension has not been sanctioned as yet in favour of respondent No.4, the respondent Nos. 1, 2 & 3 shall require her also to obtain the succession certificate. There shall be no order as to costs.

( Mohd. Jamshed )  
Member (A)

( Justice L. Narasimha Reddy )  
Chairman

July 8, 2021  
/sunil/rk/