

**Central Administrative Tribunal
Jammu Bench, Jammu**

T.A. No. 6037/2020
(S.W.P. No.847/2018)

Wednesday, this the 28th day of April, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Razia Sultan, age 40 years
d/o late Ghulam Mohi-ud-Din Wani
r/o Buchwara, Dalgate, Srinagar

..Applicant

(Mr. Firdous Ahmad Bhat, Advocate)

VERSUS

1. State of J&K through
Chief Secretary
Civil Secretariat, Srinagar/Jammu

2. Accountant General, Jammu & Kashmir, Srinagar
3. Executive Engineer, Water Works, Srinagar
4. Sadder Treasury Officer, Srinagar

..Respondents

(Mr. Amit Gupta, Additional Advocate General and Mr. Raghu Mehta, Senior CGSC)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The father of the applicant, by name Ghulam Mohi-ud-Din Wani, retired from service of Water Works Department, Srinagar and he was also sanctioned pension. He is said to have died on 02.05.2012. It is stated that during his life time, the father of the





applicant made a representation on 26.03.2012 nominating the applicant, an un-married daughter, as his dependent. The applicant states that after the death of her father, she made a representation on 01.10.2012 with a request to sanction her family pension. Her grievance is that no steps thereon were taken by the respondents, despite repeated representations. She filed SWP No.847/2018 before the Hon'ble High Court of Jammu & Kashmir with a prayer to direct the respondents to process her case for sanction of family pension and to release the corresponding amounts.

2. The respondents did not file any counter affidavit.
3. The SWP has since been transferred to the Tribunal in view of the reorganization of the State of Jammu & Kashmir and renumbered as T.A. No.6037/2020.
4. Today, we heard Mr. Firdous Ahmad Wani, learned counsel for applicant, Mr. Amit Gupta, learned Additional Advocate General and Mr. Raghu Mehta, learned senior CGSC.
5. The applicant claims to be the daughter of late Ghulam Mohi-ud-Din Wani, a pensioner from the Government of Jammu & Kashmir. He said to have died on 02.05.2012 and thereafter, the applicant made a representation 01.10.2012 claiming family pension.



6. Normally, the family pension is sanctioned to the spouse of the deceased pensioner or employee. There are also instances where the unmarried daughters, who are dependent upon the deceased, are sanctioned family pension in the absence of living spouse. The question as to whether the applicant is entitled to be sanctioned family pension on account of the death of her father, needs to be examined. The issue cannot be kept pending indefinitely.

7. Learned counsel for applicant placed reliance upon Rule 11 (d) of Jammu & Kashmir Family Pension-cum-Gratuity Rules, 1964. It is not known as to whether the said provision applies in the case of the applicant. Either way, the respondents need to pass a detailed order on the claim of the applicant.

8. We, therefore, dispose of the T.A., directing the respondents to pass orders on the representation made by the applicant for grant of family pension, within a period of two months from the date of receipt of a copy of this order. We, however, make it clear that the Tribunal did not express any view on the entitlement or otherwise of the applicant and the matter needs to be decided on its own merits. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

April 28, 2021
/sunil/maya/dsn/