

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW**

Item No. 7

ORIGINAL APPLICATION NO: 332/00298/2021

This, the 05th day of October, 2021

**HON'BLE MS. JASMINE AHMED, MEMBER (J)
HON'BLE MR. A. MUKHOPADHAYA, MEMBER (A)**

1. Sweta Singh, aged about 31 years, D/o Late Vimal Rai, r/o H. No. 583 & 584 – Aashray, Eldeco Udyan II, Raksha Khand, Sharda Nagar, Raibareilly Road, Lucknow – 226025.
2. Aditi Singh, aged about 25 years, , D/o Late Vimal Rai, r/o H. No. 583 & 584 – Aashray, Eldeco Udyan II, Raksha Khand, Sharda Nagar, Raibareilly Road, Lucknow – 226025.

....Applicants

By Advocate: Sri Alok Trivedi

Versus

1. Union of India, through the Secretary, Ministry of Home Affairs, Government of India, New Delhi.
2. Competent Authority, Subsidiary Intelligence Bureau, Ministry of Home Affairs, Govt. of India, Opposite Income Tax Office, AGCR Building, New Delhi – 110002.
3. Senior Establishment Officer, Subsidiary Intelligence Bureau, 110 Mall Road (The Mall Avenue) Lucknow – 226001.

4. Pay and Account Officer, Central Pension Accounting Office, Ministry of Finance, Govt. of India, Trikoot II Complex, Bhikaji Cama Place, New Delhi – 110066.
5. State Bank of India through its Branch Manager, Vikramaditya Marg, Himanshu Sadan, 5, Park Road, Lucknow – 226001..
6. Chief Manager, State Bank of India, Centralized Pension Processing Centre, 4th Floor, PCF Building, 32, Station Road, Charbagh, Lucknow – 226018.
7. Smt. Poonam, W/o Shailendra Kumar, D/o Ram Gopal, R/o E-1409 Rajajipuram, Lucknow, Uttar Pradesh.

....Respondents

By Advocated: Ms. Prayagnati Gupta (R- 1 to 4)

ORDER (ORAL)

HON'BLE MS. JASMINE AHMED, MEMBER (J)

Learned counsel for the applicants submits that the applicant Nos. 1 and 2 are real sisters and daughters of Late Sri Vimal Rai, deceased employee and Late Smt. Shashi Rai. He states that as Sri Vimal Rai expired on 26.04.2021, hence, both the applicants herein are entitled to get family pension. Learned counsel for the applicants also states that one Ms. Poonam claims to be wife of deceased Vimal Rai has claimed for family pension and the same has been processed in her favour by the respondents.

He further states that Ms. Poonam has already married to someone else and without any declared divorce any marriage cannot be held valid. Hence, the claim of Ms. Poonam, as wife of Sri Vimal Rai, is not sustainable and accordingly she is not entitled for getting family pension.

2. Ms. Prayagmati Gupta, Learned counsel for the respondents vehemently opposes the contention raised by the counsel for the applicant and states that the name of Ms. Poonam has already entered in the service record of late Vimal Rai and there having sufficient proof in regard to Ms. Poonam as wife of late Vimal Rai, they are processing the family pension in her favour.

3. At this, learned counsel for the applicants states that the applicants have preferred a representation to the respondents in regard to family pension and requested that a direction be given by this Tribunal to the respondents/competent authority to consider and dispose of the pending representation of the applicants and till such time, process for family pension in favour of Ms. Poonam may be stopped.

4. Heard the rival contentions of the parties. Learned counsel for the applicants vehemently tries to establish

that Ms. Poonam has fraudulently entered her name in the service record but we do not agree with the applicant's counsel as the name of anybody can not be entered in the service record at his/her own unless and until the employee produces certain documents in regard to that.

5. As the representation preferred by the applicants herein is pending for decision, we direct the respondents/competent authority to consider and decide the pending representation of the applicants dated 27.07.2021, (Annexure A-5), by passing a reasoned and speaking order within a period of four weeks from the date of receipt of certified copy of this order under intimation to the applicant. Till the representation is decided, respondents are directed not to pay/release family pension in favour of anyone.

5. It is made clear that we have not commented anything on the merit of the case.

6. In view of the above, the OA is disposed of. No costs.

(A. Mukhopadhyaya)
Member (A)

(Ms. Jasmine Ahmed)
(Member (J))