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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
(ALLAHABAD BENCH) ALLAHABAD.

C.A. NO. 724 of 1990 OF 1991

Date of decision - 26.11.92

Bhupeendra Dutt Sharma, .... Petitioner

Sri Chand Prakash, .... Advocate for the petitioner

..... Versus  
Union of India, .... Respondent

..... Sri K. C. Senha, .... Advocate for the Respondents

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CORAM :-

The Hon'ble Mr. Justice U. C. Shrivastava, V-C.

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the judgment
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether to be circulated to all other Benches ?

*ur*  
Signature

NAQVI/

(5) A2/2  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH

Original Application No. 724 of 1990

Bhupendra Dutt Sharma .... Applicant  
Versus  
Union of India and Others .... Respondents

CORAM:

Hon. Mr. Justice U.C. Srivastava, V.C

The applicant's father late Shri Damodar Dutt Sharma was a confirmed Clerk in the Forest Research Institute. He was confirmed in the year 1925 as such. In the year 1936 he fell a victim of Tuberculosis and died in the year 1974, till then family pension was not admissible to any employee and it was introduced in the year 1980. According to the applicant, under this scheme the applicant was also entitled to the family pension and has placed reliance of the G.O. No. 1/75/87-P&P.N dated 14.1.88 which ~~is~~ allowed family pension to the families of the government servants who had rendered ten years or more service and were retired permanently incapacitated for further government service by appropriate Medical Authority. The pension was allowed at the same rate as admissible. The mother-in-law of the applicant claimed for family pension and mother in law died and as such the applicant's mother ~~and that~~ ~~is why she~~ has claimed family pension under the

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*under ground*  
scheme, she is entitled to the same.

2. The respondents have pleaded that the mother of the applicant was informed that on 29.5.89 since her late husband Damodar Dutt Sharma was not in receipt of invalidation of pension after his invalidation from Forest Research Institute and Colleges, as such she is not entitled to any family pension.

3. The respondents have also pleaded that there is no record on this respect. However, it is the duty and responsibility of the respondents to maintain the records and it is expected that they will search out the records. Incase it is found that the husband of the applicant retired from service as a result of ailment he died, obviously the applicant's case shall be reconsidered for grant of family pension. The respondents shall search out the records within the period of 3 months and give a date to the applicant to appear within this date on which date the applicant will be apprised of the correct factual position. *if records are not available her case shall be considered and pension will be taken into account*

4. With these observations, this application shall stand disposed off finally.

*Lis*  
Vice Chairman

Dated: 26th Nov: 1992

(Uv)