

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No.1211 of 1995.

Allahabad this the 27th day of April 2000.

CORUM

Hon'ble Mr. S. Biswas Admn. Member.

Kumari Babita D/o Late Sri Man Mohan Gupta
R/o 240, Gupta Bhawan Post Soraon,
District:- Allahabad.

.....Applicant.

(S A.P. Srivastava, Advocate)
(Sri A.K. JAISWAL, Advocate.)

Versus.

1. Union of India, through General Manager Railway,
Rail Bhawan Baroda House, New Delhi.
2. Senior Divisional Account Officer, Western Railway,
Jaipur, Rajasthan State.
3. Branch Manager, State Bank of India,
Soraon Branch, District:- Allahabad.

.....Respondents.

(G.P. Agrawal, Advocate)

&

(Sri Lalji Sinha, Advocate)

ORDER

Petitioner is daughter of a retired and expired Government Servant. At the time of his retirement, on 31.12.85 her father was an executive engineer. He expired 31.8.90, from which date the applicant was eligible for family pension, where, full pension @ Rs 2361/- was being paid to the applicant who was only eligible for family pension.

2. It is alleged that from September 92 i.e. after her father's death an amount of Rs 1000/- was ~~atemptly~~ deducted from the eligible amount of family pension, which ought to have been 1182/- i.e. half of full pension. The petitioner was granted a different amount of Rs. 1655/- vide order dt. 1.1.86 (Annexure 2). The said order had also indicated that the incumbent will be eligible for lower rate of family pension w.e.f. 2.6.12.92 at Rs 579+DA.

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The applicant was instead paid Rs 240 /- per month upto June 95 and thereafter Rs. 300/- only without any show cause whereas, she is eligible to receive the admissible family pension till her marriage. The relief sought in the case is restoration of family pension without deduction till her marriage.

3. I have heard the counsels for both the parties.

4. The learned counsel for the respondents has clarified the circumstances and the legality of the claim for family pension by the daughter of the deceased pensioner upto marriage.

5. The respondents counsel admits that the applicant was entitled to the 1157+ relief of Rs. 498/- and Rs. 43 i.e. Rs. 1655 ~~pay~~ upto 26.12.92 subject to D.A. increase from time to time.

6. ~~Petitioner's~~ ^{Applicant the deceased employee's} heirs are entitled to family pension as per pension Rules upto 65 years of ~~the pensioner's age~~ which is Rs. 1157 + relief i.e. upto 26-12-92 when the pensioner would have attained the age of 65. The applicant being the daughter of the pensioner was entitled to family pension upto 25 years of her age, which she attained on 21.5.96. Hence she was eligible for appropriate i.e. 50% of full pension upto 21.05.96 whereas, she drew full pension from 28.12.92 to 31.7.94. There ^{was} an omission on the part of the respondents not to revise the rate from 28.12.92. consequently an over payment ^{to} to the tune of Rs. 21,952/- was made to the applicant which she is not entitled. Besides being a daughter she is not eligible for family pension after 21.05.96, when she attained 25 years of age as per rules.

7. The over payment was acknowledged by the applicant herself and ~~on~~ her own accord she agreed on 30.08.94

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to the recoveries which has been effected. The reduction in family pension is consequential and stoppage of pension beyond 25 years of her age ~~on~~ 21.05.96. is as per Rules.

8. The applicant has obviously misread the word remarriage to the widow of the pensioner as marriage for herself. These words appear in the order of sanction Dt. 1.1.86 (Annexure-2). The pension rules cannot be misread or by-passed by any self convenient construction of meaning of the sanction order.

9. In view of the legal and factual position of the case as discussed above the Tribunal does ^{not} find any merit in the ~~petition~~ position. The O.A. is dismissed.

10. No order as to costs.

S. B. Rao

Member (A)

/ Anand