

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 27th day of May 2002.

QUORUM : HON. MR. S. DAYAL, A.M.

D.No. 1717 of 2002.

O.A.NO. 661/02

Km. Anita Srivastava D/O Late Sri Raj Mahendra Lal Srivastava
r/o 183A/9T, Rajrooppur, Allahabad.

.....

..... Applicant.

Counsel for applicant : Sri R.P. Yadav.

Versus

1. Chief Post Master General, Lucknow.
2. Post Master General, Allahabad.
3. Senior Supdt. of Post Offices, Allahabad Division, Allahabad.
4. Senior Post Master, Allahabad.
5. Union of India through Secretary, Ministry of Communication
of Post, New Delhi.....

..... Respondents.

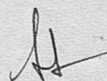
Counsel for respondents : Sri G.R. Gupta.

O R D E R (ORAL)

BY MR. S. DAYAL, A.M.

This application has been filed for setting aside the impugned order dated 26.5.2000 and a direction to the respondents to pay the family pension every month with all dues and arrears.

2. The claim of the applicant is that she passed 9th class and her date of birth as entered in school register, is 15.10.81. The applicant's father, who was a pensioner, died on 4.6.98. The applicant claims that she is entitled to family pension as per rules. She has stated that she took up the matter with the respondents but since there is no response, she filed a writ petition in the High Court, which was numbered 5521/00. By order dated 2.2.2000, the respondent No.1, who was Post Master General, Head Post Office, Allahabad was directed to decide the applicant's representation dated 4.11.99 by a speaking order. The applicant is aggrieved by order dated 26.5.00 which was passed on account of the directions of Hon'ble High C Court.

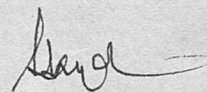


3. I have heard the arguments of Sri R.P. Yadav for applicant and Sri G.R. Gupta for respondents.

4. I find that the respondents have informed the applicant by letter dated 26.5.00 that the applicant's father at the time of his retirement had submitted papers for pension in which the birth date of applicant was mentioned as 15.11.69 and the birth date of son was mentioned as 1.5.72. It has been mentioned that the eligibility for family pension is only upto the age of 25 years and that the date of birth of the applicant as shown by the deceased father cannot be changed.

5. Counsel for the applicant, on the other hand, contended that the school leaving register shows the date of birth of the applicant as 15.10.81. I find that the applicant had studied upto 8th class and the date of birth in the transfer certificate is mentioned as 15.10.81. I ^{would not} ~~cannot~~ consider it appropriate to ^{treat it as} ~~be~~ a definite proof of the applicant's age, and, as the applicant's father had declared the date of birth of the applicant at the time of filing his pension papers in the year 1992, and is now deceased, the same cannot be altered for confinement of the benefit of family pension. The O.A. stands dismissed at admission stage.

No order as to costs.


A.M.

Asthana/
29.5.02