

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated: This the 07th day of March 2006.

Original Application No. 1150 of 2003.

Hon'ble Mr. K.B.S. Rajan, Member (J)

Km. Sudha D/o late Bishowhar,
R/o House No. 137, Baniya Bazar,
Kanpur Cantt.

.....Applicant

By Adv: Sri S. Lal

V E R S U S

1. Union of India, through Secretary,
Ministry of Defence, Govt. of India,
NEW DELHI.
2. The Engineer-in-Chief, A.H.Q. Kashmir House,
NEW DELHI.
3. The Garrison Engineer, MES,
KANPUR CANTT.

.....Respondents

By Adv: Sri R.K. Tiwari

O R D E R

For Applicant: Sri K. Lal

For Respondents: Sri R.K. Tiwari

Heard the counsel for the parties.

Briefly, stated after the death of the applicant's father in 1991, the widow was paid family pension who also died in 2002. Thereafter, invoking the provisions of Rule 54 of the CCS (Pension) Rules 1972 the applicant, daughter of the deceased, who was stated to be eligible for family pension applied for the same but her case was rejected on

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the ground mentioned in para 2 of letter dated 30.4.2003. Which is as under: -

"On going through the Family Details dated 08 Sep 90 signed by Late Bishewhwar. Elect during his life time, your name has not been found mentioned therein. Thus your application for grant of family pension may not be accepted."

2. The applicant has now produced a copy of the family detail certificate dated 31.5.2005 issued by Sub Divisional Magistrate (SDM) Kanpur Nagar. In which the name of the applicant has been reflected in sl. No. 4 of the certificate. The respondents' counsel has referred to annexure CA 1 which contains details of the family to the extent of two sons and one daughter only and the name of the applicant was missing. This statement has been found signed by the father of the applicant duly attested on 08.09.1990. It is not exactly known under which circumstances the name of the applicant has been omitted from the statement signed by the father of the applicant. In all expectation there may be some other documents as well, as such as LTC form or final withdrawal from GP Fund for certain celebrations such as (tonsure) mundan ceremony etc. and a perusal of those records may indicate whether there is any reference of the name of the applicant and if so the statement furnished by the applicant's father may be ignored and the other records considered, as, according to the certificate issued by the SDM the applicant happens to be one of the family members of the deceased.

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3. The OA is, therefore, disposed of with the direction of the respondent to verify the other records as well and also take into account the certificate dated 31.5.1005 issued by the SDM Kanpur Nagar and decide the entitlement or otherwise of family pension to the applicant. If the applicant is entitled, she shall be paid the family pension from the month following that upto which the mother of the applicant was disbursed the family pension. This exercise be conducted within a period of two months from the date of communication of this order and the applicant be informed of this decision. No cost.



Member (J)

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