

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

O.A./T.A./CCA No. 1263/03

Date of decision 31/3

Km. Ayusha v. Applicant(s)

Sri R.C. Pathak Counsel for the applicant(s)

Versus.

U.O.I & oss. Respondents(S)

Sri K.P. Singh counsel for the respondent(s)

CORAM

Hon'ble Mr. K.B.S. Royan V.C./Member(J)

Hon'ble Mr. _____ Member ()

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

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SIGNATURE

Manish/-

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

ORIGINAL APPLICATION NO.1263 OF 2003

ALLAHABAD THIS THE 31st DAY OF MARCH, 2006

HON'BLE MR. K.B.S. RAJAN, MEMBER-J

Km. Aysha V. daughter of late Waliyan, R/o Mohalla 92,
Muraopura, Bareilly.

.....Applicant

(By Advocate Shri R.C. Pathak.)

V E R S U S

1. Union of India, through General Manager, N.E.R., Gorakhpur.
2. The Financial Advisor and Chief Accounts Officer, N.E.R., Gorakhpur.
3. Chief Workshop Manager, N.E. Railway Workshop, Izzatnagar.

.....Respondents

(By Advocate: Sri K.P. Singh)

O R D E R

Whether the applicant, whose name does not figure in the list of Family Members, as executed by the deceased government servant, is entitled to Family Pension or not is the question.

2. Brief Facts: One Shri Waliyan, a government employee who retired on 30-06-1985 and a pensioner thereafter, died on 11-06-1997 and his son who was eligible to family pension applied for and was sanctioned the same. As per the rules, this family pension was stopped from June, 2001, the date the said son reached

the age of 25 years. Provision exists for payment of the family pension till other son/daughter of the retired employee reached the said age. Accordingly, the applicant who claims herself to be the daughter of late Shri Walijan applied for the same. However, on verification of the declaration furnished by the government servant in 1985, as the name of the applicant did not figure in, her claim was rejected. The applicant has furnished a certificate from the District Authorities certifying that the applicant is the daughter of late Walijan. In addition, certain other documents, such as school leaving certificate, ration card, Railway Passes obtained during the life time of the employee have also been produced. Respondents however, contend that since the declaration made by the deceased employee is the document on the basis of which family pension is granted, the claim of the applicant cannot be entertained.

3. The said declaration was given by the deceased employee in 1982, while the applicant's date of birth as per the School Certificate was 16-06-1984. At the time of declaration this child was just eight month old. It is to be stated that the declaration though authenticated in Feb. 1985, there was no date as appended by Late Wali Jan. Possibly, the said declaration could be of an earlier period, i.e. prior to the birth of the applicant or the deceased would have by mistake (on the ground that his fourth child was only a daughter or too young) would not have recorded the same. Later, after his retirement, he had claimed the Railway Pass which had been issued by

the Railways. Thus, merely because the declaration does not contain the name of the applicant, rejection of otherwise legitimate claim does not appear to be justified. The other documents could well be relied upon and in addition, the Respondents could easily make verification from the son of Late Wali Jan or others to ascertain the actual relationship. Further, it is to be noted that the claim of the applicant is not perpetual and is only for the period from the time family pension to her brother stopped till she reaches 25 years or till her re-marriage. Thus, the financial implication would not be much. In any event, necessary indemnity bond could well be obtained and the family pension should be released.

4. The OA thus succeeds. The respondents are directed to make available family pension to the applicant from the period June 2001 till the applicant reaches the age of 25 (or whatever is the age upto which such family pension is admissible to the daughter) or till her marriage, as the case may be. Respondents are at liberty to put forth any condition such as execution of indemnity bond and/or surety bond from the applicant in this regard, so that should there be any contingency, whereby any amount becomes recoverable, the same could well be invoked and the amount due from the applicant realized.

5. The above direction shall be complied with, within two months from the date of communication of this order. Costs easy.



MEMBER-J

GIRISH/-