

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 27th day of July, 2004.

QUORUM : HON. MR. JUSTICE S.R. SINGH, V.C.

O.A. No. 682/03

Smt. Munni Devi, widow of Late Mahesh Chandra Saxena <sup>W/O</sup>  
Village Achaura, Post Chhituria (Ujhani), District Badayun.

..... Applicant.

counsel for applicant : Sri R.R. Shivhare.

Versus

1. Union of India through Secretary, Ministry of Communications  
Department of Posts, New Delhi.

2. Director of Accounts Postal U.P. Circle, Aminabad, Lucknow  
through its Director.

3. Chief Post Master General, Lucknow.

4. Superintendent of Post Offices, Badayun Division, Badayun

5. Sub-Post Master, Ujhani, District Badayun.

..... Respondents.

counsel for respondents : Sri S. Singh.

ORDER (ORAL)

BY HON. MR. JUSTICE S.R. SINGH, V.C.

Heard Sri R.R. Shivhari, learned counsel for the applicant and Sri Saumitra Singh, Senior Standing Counsel. Despite last opportunity/stop order, Counter Affidavit has not been filed. The matter relates to family pension, which was initially granted to the applicant vide order No. Pen/P I IFC-512/94-95 issued from the office of Director of Accounts i.e. Postal U.P. Circle, Lucknow therewith forwarding family PPO No. LKO(P) 4826/5 in favour of the applicant, <sup>the</sup> widow of late Shri Mahesh Chandra Saxena. It appears that Mahesh Chandra Saxena, husband of the applicant, was employed as Chowkidar under the respondents and he died in harness on 16.12.1994. It was thereafter that the family pension order aforesaid was issued in favour of the applicant, who received the family pension <sup>from time to time</sup> sometimes but thereafter it was suddenly stopped without any rhyme or reason. The applicant,

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on wrong advice, filed the case, being case No.285/96 before the District Consumer Forum, Badayun. This came to be rejected for want of jurisdiction. The present O.A. was thereafter instituted on 5.6.2003. In the circumstances, therefore, the delay in filing O.A. is condoned and I proceed to dispose of the O.A. on its merits.

2. It is alleged that no specific order was passed by the respondents either recalling the order by which the family pension was granted to the applicant or otherwise withholding the family pension. Legal principle is well settled that ~~if~~ the family pension once granted, cannot be withheld or recalled without any valid reasons and without any specific order. In the circumstances, therefore, the O.A. deserves to be allowed with cost.

3. Accordingly, the O.A. succeeds and is allowed with cost fortified at Rs.500/- and the respondents are directed to pay arrears of family pension up to date as per order Annexure-2 within a period of three months from the date of receipt of a copy of this order and thereafter continue the payment of family pension as per terms and conditions mentioned in the family PPO No.LKO(P) 4826/5 issued in favour of the applicant. The applicant shall be entitled to <sup>interest &</sup> ~~cost~~ @ 8% per annum on the arrears of family pension from the ~~due date~~ till the date of actual payment.

*Re/*  
V.C.

Asthana/