

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.57/2002

Monday this the 28th day of January, 2002

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

N.M.Mathu,
Nambodamcheri Meethel,
PO. Memunda,
Vatakara,
Kozhikode Dist.

...Applicant

(By Advocate Mr. K.Ramakumar (rep)

Vs.

1. The Director,
Central Institute of Fisheries Technology,
Willingdon Island, Matsyapuri,
Kochi.29.
2. The Senior Finance and Accounts
Officer, Central Marine Fisheries
Research Institute,
PB No.1603, Tatapuram PO
Cochin.19.Respondents

(By Advocate Mr. P.Jacob Varghese)

The application having been heard on 28.1.2002, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant is the mother of N.M.Babu who while serving as T.H.3 under the first respondent died on 11.12.88. The applicant was on 23.9.99 informed that she would be entitled for family pension by virtue of Govt. of India O.M. 45/86/97-P&P.W(A) Part I dated 27.10.1997. On the basis of the above information, the applicant submitted her claim for family pension. She was informed that the dependency certificate produced by her was not in order. However, the 1st respondent vide

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his letter dated 12.4.2001 requested the second respondent to take a favourable decision and for authorisation of pension to the applicant as by the dependency certificate issued by the Tahsildar, Vatakara and Additional District Magistrate, Kozhikode the first ^{was} respondent ~~was~~ satisfied that the applicant was wholly dependent on deceased N.M.Babu. The grievance of the applicant is that despite this the family pension due to her has not been made available. Therefore, the applicant has filed this application for a direction to the second respondent to immediately disburse the Family Pension due to the applicant with 18 percent interest declaring that the non-disbursal of the family pension to the applicant by the respondents is violative of Articles 14 and 21 of the Constitution of India.

2. When the application came up for hearing on admission, under instructions from the respondents, learned counsel Shri Jacob Varghese states that it was on account of a deficiency noted in the dependency certificate that the second respondent doubted the eligibility of the applicant for family pension and that in view of Annexure.A6 order issued by the 1st respondent Director the family pension due to the applicant would be ordered and disbursed without any further delay.

3. In the light of the above submission made by the learned counsel for the respondents, we dispose of this application directing the second respondent to issue necessary orders granting family pension to the

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applicant in view of the direction of the 1st respondent that the applicant was wholly dependent on deceased N.M.Babu and to make available to the applicant the arrears of family pension within a period of two months from the date of receipt of a copy of this order. There is no order as to costs.

Dated the 28th day of January, 2002



T.N.T. NAYAR
ADMINISTRATIVE MEMBER

(s)



A.V. HARIDASAN
VICE CHAIRMAN

APPENDIX

Applicant's Annexures:

1. A-1 : A true copy of the intimation No.F.10/3/88 Bills (NMB) dated 23.9.99 received by the petitioner from R1.
2. A-2 : A true copy of the reference letter No.F.10/3/88-Bills Cdn (NMB) dated 20.1.2000 addressed to R1 by R2.
3. A-3 : A true copy of the letter No.AA/Pension/89-90/1 dated 2-9-2000 addressed to R1 by R2.
4. A-4 : A true copy of the intimation No.F.No.10/3/98-Bills CDN (NMB) addressed to R1 by R2.
5. A-5 : A true copy of the letter No.10-3/88-Bills CON(NMB) dated 1-3-2001 received by the petitioner from R1.
6. A-6 : A true copy of the letter No.F.10-3/98-Bills/CDN (NMB) dated 12-4-01 addressed to R1 by R2.

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