

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.NO.613/2001

Thursday, this the 5th day of September, 2002.

CORAM;

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

HON'BLE MR T.N.T.NAYAR, ADMINISTRATIVE MEMBER

Rosamma Rajendran,
Kokkappillil House,
Thoracad.P.O.
Chengannur, Alappuzha District,
Kerala State. - Applicant

By Advocate Mr P Vinod Kumar

Vs

1. The Union of India represented by
the Secretary,
Ministry of Railways,
New Delhi.
2. The Railway Board,
represented by the
General Manager,
Rail Bhavan,
New Delhi.
3. The Divisional Manager,
Northern Railway,
New Delhi.
4. The Under Secretary(Administration),
Railway Board, Rail Bhavan,
New Delhi. - Respondents

By Advocate Mrs Sumathi Dandapani

The application having been heard on 5.9.2002 the Tribunal on the same day delivered the following:

O R D E R

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

The applicant's husband Shri C.A.Rajendran retired from the Railway service on medical invalidation on 25.6.77 as

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is seen from R-1. He received pension, but on 2.2.80, he died. In the Railway records, the applicant's name was not shown as a beneficiary under the family pension scheme, with the result, on the death of Shri Rajendran, family pension was given to his daughter. The applicant, on 17.9.87 preferred a claim for family pension alleging that she was the widow of Shri Rajendran who died on 2.2.80. She was asked to produce succession certificate, marriage certificate and widowhood certificate, by a letter dated 26.10.87. According to the applicant, even after producing all these documents, her claim for family pension has not been honoured by the Railway Administration and therefore, the applicant has filed this application for a declaration that non-disbursement of the family pension to the applicant is in violation of Article 14 and 21 of the Constitution of India and a direction to the 2nd respondent to immediately disburse the family pension due to the applicant on 2.2.80 till date with 18% interest per annum.

2. The respondents in their reply statement contend that the family pension was not paid to the applicant in the absence of any indication in the declaration submitted by late Rajendran that the applicant was his wife and a beneficiary under the family pension scheme, that on the death of Rajendran, family pension was granted to his daughter upto 27.6.80, that thereafter as no claim was preferred by the applicant till 1986, the pension was not paid to her, that on applicant's representation, she was directed to produce the succession certificate, and the original of marriage certificate etc., that as the applicant did not produce the

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originals it was not possible to disburse to the applicant the family pension and that non-disbursement of the pension to the applicant was not on account of any fault or lapse on the part of the Railway Administration.

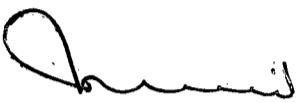
3. We have heard the learned counsel one either side. It is evident that A-4 is a copy of the succession certificate issued by the Munsiff Court, Chengannur in favour of the applicant. This shows that the applicant is entitled to family pension as a widow of Rajendran. The certified copy of succession certificate issued from the Munsiff Court should have been accepted as a valid proof. However, the respondents insisted on production of original marriage certificate and widowhood certificate which according to the applicant has been sent to the respondents, but the receipt of the same is denied by the respondents. Learned counsel on either side agree that if the applicant could produce original marriage certificate and widowhood certificate, family pension including arrears would be sanctioned and paid to the applicant, without any further delay.

4. In the light of the above submission of the learned counsel for the respondents, the application is disposed of directing the applicant to produce the marriage certificate and widowship certificate in original before the 2nd respondent within four weeks from today and directing the 2nd respondent that if the said certificates are produced, the 2nd respondent shall take the certificates as proof and grant and

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disburse to the applicant the family pension with arrears from 1.7.80 onwards. Payment as aforesaid shall be made available to the applicant within three months from the date of receipt of certificates as aforesaid. There is no order as to costs.

Dated, the 5th September, 2002.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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APPENDIX

Applicant's Annexures:

1. A-1: True copy of the order of retirement of Sri.C.A.Rajendran, No.ERB 11 2991-C dated 27.6.77 issued by the Ministry of Railway.
2. A-2: True copy of the death certificate of the husband of the petitioner issued from the Panchayath Office dated, 25.5.87.
3. A-3: True copy of the letter from the 4th respondent dated 17.4.90 to the petitioner.
4. A-4: True copy of the succession certificate issued under Section 370 of the Indian Succession Act, 1925 issued from the Munsiff's Court, Chengannur in O.P (Succession) No.2/83.
5. A-5: True copy of the Marriage Certificate issued by the Akhila Kerala Cheramas Hindu Mahasabha dated 7.8.89.
6. A-6: True copy of the widow certificate issued by the Kerala Pulaayar Mahasabha dated 22.4.1999.
7. A-7: True copy of the acknowledgment receipt from the then Minister Prof.P.J.Kurian.
8. A-8: True copy of the representation dated 29.7.2000 to the 4th respondent.

Respondents' Annexures:

1. R-I: Photocopy of Memo No.ERB2-2991-CP dated 17.6.77 issued by the Railway Board to Sri C.A.Rajendran.
2. R-II: Photocopy of Statement showing details of family members of C.A.Rajendran, dated 26.5.77.
3. R-III: Photocopy of photograph of Shri C.A.Rajendran, referred to in the reply statement.
4. R-IV: Photocopy of nomination submitted in Form No.1 by Shri C.A.Rajendran, referred to in the reply statement.
5. R-V: Photocopy of application for family pension received from Mrs.Ramani Rose Kunjappy, referred to in the reply statement.
6. R-VI: Photocopy of the letter No.E77PN1/12/RB3 dated 1.7.83 of the Railway Board addressed to the Pay & Accounts Officer (Pension), Ministry of Railways, New Delhi.
7. R-VII: Photocopy of application submitted by the applicant to Hon'ble Prime Minister, New Delhi on 30.12.86.
8. R-VIII: Photocopy of reply sent to the applicant by Railway Board vide No.E77/PN1/12/Rb3 dated 10.3.87.
9. R-IX: Photocopy of reply issued to the applicant by Railway Board, vide No.E77/PN1/12/RB.3 dated 26.10.87.
10. R-X: Photocopy of reply issued to the applicant by Railway Board vide No.E77PM1/12/RD3 dated 16.12.88.
11. R-XI: Photocopy of reply issued to the applicant by Railway Board, vide No.E77/PN1/12/RB 3 dated 17.4.90.
12. R-XII: Photocopy of reply issued to Shri T.C.Chandra Kurup, Additional Private Secretary to the Ministry of State for Industry, New Delhi, by the Railway Board, vide No.E77/PN1/12/RBE dated 30.4.92.
13. R-XIII: Photocopy of letter received from the applicant addressed to the Secretary, Railway Board, New Delhi, dated 16.7.93.

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