

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.244/2000

Friday this the 26th day of May, 2000

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

K.Krishnamma, aged 61 years
W/o late S.Narayana Pillai,
Madathuveedu,
Kariyavattom PO,
Thiruvananthapuram District. ... Applicant

(By Advocate Mr. S. Rajasekharan Nayar (no representation)

Vs.

1. General Manager, Southern Railway,
Park Town, Chennai.
2. Divisional Railway Manager,
Southern Railway, Madurai Division,
Divisional Office, Madurai.
3. Union of India, represented by
Secretary, Ministry of Railways,
Rail Bhavan, New Delhi. ... Respondents

(By Advocate Mr. Thomas Mathew Nellimootil)

The application having been heard on 26.5.2000, the Tribunal
on the same day delivered the following:

O R D E R

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

This application is directed against an order dated
20.9.99 (A8) of the Divisional Personnel Officer, Madurai
directing that the applicant should produce a succession
certificate from the court of law to claim the family
pension. The facts alleged in the application are as
follows:

2. Shri S.Narayana Pillai retired from service of the
respondent on 18.12.1965 on superannuation while working as

C&M Fitter on the Mechanical Section of Southern Railway, Madurai Division. At the time of his retirement Shri Pillai was a widower. After retirement, on 12.4.66 he married the applicant and thereafter they were living as husband and wife till his death. While Narayana Pillai was alive on 8.9.71 he submitted an application to the second respondent requesting that the benefit of family pension might be extended to the applicant. He repeated the request in another application dated 5.5.1988. Shri Naraya Pillai was asked by A2 letter of the DPO, Madurai dated 13.5.88 to rectify certain errors in the family pension form submitted by him. Shri Narayana Pillai submitted the same promptly. However, as the family pension scheme was not applicable to the post retiral spouses till 23.1.91 the matter was not further pursued. However, on amendment of the Manual of Pension Rules with effect from 23.1.91 the applicant and Shri Narayana Pillai were given a free pass on 1.4.92. Shri Narayana Pillai expired on 14.7.96. Immediately thereafter on 22.8.96 the applicant submitted an application for family pension with the relevant documents. Finding no response, the applicant on 8.4.98 submitted a petition to second respondent. By a letter dated 13.5.88 (A5) the second respondent directed the applicant to produce legal document regarding marriage and succession certificate. The applicant produced before the second respondent a certificate from the Tahsildar regarding her marrige with Naraya Pillai (Annexure.A1). Finding that her claim

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remained unresponded to, the applicant caused a lawyers notice to be issued to the second respondent, copy of which is Annexure.A7. The applicant was by the impugned order Annexure.A8 dated 20.8.99 directed to produce the succession certificate from the court. Alleging that the production of a succession certificate is not required for grant of family pension and the action on the part of the respondents in not giving the applicant the benefit of family pension inspite of the certificate of marriage and heirship having been produced is arbitrary and irrational, the applicant has filed this application for a direction to the respondents to pay family pension to the applicant declaring that production of succession certificate is not required for granting family pension.

3. The respondents in the reply statement states that Shri Narayana Pillai would not have made an application dated 8.9.71, that as the name of the applicant is not mentioned in the pass (A4) the applicant cannot establish that the pass was granted in her favour and that if the applicant would produce authentic certificate of her marriage the claim of the applicant for family pension according to the Railway Board's letter dated 23.1.91 would be considered.

4. I have gone through the pleadings and materials and have heard the learned counsel for the respondents. The order A8 requiring the applicant to produce succession

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certificate for the purpose of showing her eligibility for family pension is unsustainable because there is no need as per the extant rules to produce succession certificate for getting family pension. If the applicant is legally wedded wife of Narayana Pillai even though the marriage took place after the retirement of Shri Pillai from Railway service according to the amended Railway Servants Pension Manual, the respondents are bound to pay to the applicant the family pension on the death of Shri Narayana Pillai. The contention of the respondents that Narayana Pillai never intimated his marriage to the administration is apparently wrong for in the year 1992 the Railway Administration has granted a pass to Narayana Pillai and his wife. Further the Tahsildar, Trivandrum who is the authority competent to issue certificate regarding heirship has also issued AI certificate which says that "Smt.K. Krishnamma D/o Raman Pillai, Madathuveedu, Pangappa Village were married on 12.4.1966." Further the Tahsildar Trivandrum has issued Annexure.A7 heirship certificate dated 28.4.99 stating that Krishnamma is a legal heir of Shri S.Narayana Pillai entitled to receive all the benefits. The names of other legal heirs also have been shown in the certificate.

5. The Annexures.A1 and A7 certificates are more than sufficient for the Railway Administration to process the claim of the applicant for family pension with effect from the date of demise of Shri Narayana Pillai. The contention of the respondents that the claim was not processed as the

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authentic document showing the marriage of the applicant with Narayana Pillai has not been produced by the applicant is untenable because all these documents were produced before the competent authority before filing this original application.

6. In the result, declaring that the production of succession certificate is not required for the purpose of showing eligibility of the applicant to receive the family pension, the application is disposed of directing the respondents to process the claim of the applicant for family pension accepting Annexures A1 and A7 as sufficient proof of her marriage with late Shri S. Narayana Pillai and to issue the order granting her the family pension in accordance with the relevant rules and instructions on the subject contained within a period of two months from the date of receipt of a copy of this order. The arrears of family pension from the date of demise of Shri Narayana Pillai shall also be made available to the applicant within the abovesaid period. There is no order as to costs.

Dated the 26th day of May, 2000


A. V. HARIDASAN
VICE CHAIRMAN

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List of annexures referred toL:

Annexure.A1:True copy of marriage certificate issued by Tahsildar on 17.6.1983.

Annexure.A2:True copy of letter No.U/P/500 FP dated 13.5.1988.

Annexure.A4:True copy of the Pass dated 1.4.1992.

Annexure.A5:True copy of letter No.U/P/500/Finance/Pilot dated 13.5.1998.

Annexure.A7:True copy of the heirship certificate.

Annexure.A8:True copy of the order No.U/P 500/FP dated 20.8.1999.

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