

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.280/03

Wednesday this the 16th day of July, 2003

C O R A M :

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

Smt.C.Saraswathy,
W/o. late C.Kesavan,
Chempothil House,
Kavalapara, Shornur,
Palakkad District.

Applicant

(By advocate Mr.R.Renjith)

Versus

1. Union of India represented by its Secretary, Ministry of Communication, New Delhi.
2. The Deputy Director of Postal Accounts, Office of the Deputy Director of Postal Accounts, Kerala Circle, Thiruvananthapuram.
3. The Superintendent of Post Offices, Office of the Superintendent of Post Offices, Ottappalam Division, Ottappalam, Palakkad District.
4. The Accounts Officer,(Pension), Office of the Deputy Director of Accounts, (Postal), Trivandrum

Respondents

(By advocate Mr.C.Rajendran,SCGSC)

The application having been heard on 16th July, 2003 the Tribunal on the same day delivered the following :

O R D E R

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

The applicant who claims to be a widow of late Sri.C.Kesavan, retired Postal Assistant has filed this application for a declaration that she is entitled to family pension which is due to her on the death of her husband and to direct respondents to grant full family pension to the applicant

(Signature)

with all the arrears. The facts necessary for the disposal of this application can be stated as follows:

2. Late C.Kesavan, retired Postal Assistant, while receiving pension died on 23.12.96. He was survived by his widow (the applicant), a son by name Kaladharan and two daughters (Prasannakumari and Sheena). On the death of C.Kesavan the applicant submitted a claim for award of family pension. She was asked by Annexure A-1 letter dated 23.7.97 of the third respondent to produce evidence to the effect that she was legally wedded wife of the pensioner and that the two daughters were borne out of that wedlock. The applicant filed an O.P.No.21/1997 before the Munsiff Court, Ottapalam which granted to her the Succession Certificate wherein the applicant has been showed as the widow of Kesavan, Kaladharan, Prasannakumari and Sheena shown as children of Kesavan borne to the applicant. Although the applicant produced the Succession Certificate and applied for grant of family pension, she was asked to produce Application for family pension, Single photograph, Specimen signature slips, Identification particulars and Death certificate of the pensioner. The applicant complied with these requirements by Annexure A-4. However, the claim was rejected by Annexure A-5 on the ground that as one of the husbands of the applicant, namely, Sri.K.C.Paran, is alive who is allegedly the father of Kaladharan and Prasannakumari, it is to be deemed that she was remarried and therefore the applicant is not entitled to family pension. The applicant produced a copy of the Pension Payment Order of the applicant which shows that she figures along with her late husband Kesavan in the P.P.O. Despite that the claim was not

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honoured. Therefore, the applicant has filed this application.

3. The respondents resist the claim of the applicant on the ground that the applicant has not established that she is the legally wedded wife of the pensioner, that one of her husbands K.C.Paran is still alive it should be deemed as a remarriage and that, the younger daughter Sheena alone is entitled to family pension till she becomes major.

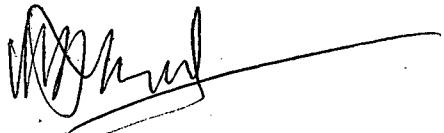
4. I have gone through the pleadings and materials brought on record. From Annexure A-2 Succession Certificate issued by the competent Civil Court, it is evident that the applicant is the widow of the pensioner C.Kesavan and her children are the legal heirs of the deceased C.Kesavan. These orders issued by competent Civil Court has not been set aside by any higher Court. Therefore, it is binding on the respondents. The contention of the respondents that the applicant has not produced evidence that she was legally married to C.Kesavan is inconsistent with the Succession Certificate issued by the competent Civil Court and the records maintained in the office of the respondents themselves because C.Kesavan had shown the applicant as his wife and as is evident from the part of the P.P.O.(Annexure A-6) and as admitted in the reply of respondents. The applicant's husband C.Kesavan had produced his joint photograph along with the applicant which is an evidence of the subsisting marriage. There is no case for the respondents that the applicant remarried after the demise of C.Kesavan. In the light of the above facts and circumstances, I am of the considered view that the contention taken by the respondents that the applicant has not established

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that she is entitled to family pension is totally unjustified.

5. In the light of what is stated above the application is allowed. The respondents are directed to disburse to the applicant the family pension due to her from the date of the death of her late husband C.Kesavan adjusting what has been already paid to her daughter Sheena. The arrears of family pension shall be calculated and paid to the applicant with interest at 6% per annum from due dates within a period of two months from the date of receipt of a copy of this order and the family pension to the applicant thereafter should be continued to be paid to her. No order.

(Dated the 16th day of July, 2003)



A.V.HARIDASAN
VICE CHAIRMAN

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