

Central Administrative Tribunal, Lucknow Bench, Lucknow

Original Application No.351/2010

This the 25th day of August, 2010

Hon'ble Dr. A.K.Mishra, Member (A)

Chitra Pandey aged about 62 years wife of late Sri Shyam Vishal Pandey, resident of Misra Bhowan, 98, Golagonj, House No. 177/98, Mishra Bandhu Marg, Lucknow.

Applicant

By Advocate: Sri A.R. Khan

Versus

1. Union of India through its Secretary (Telecom), Sanchar Sadan, New Delhi.
2. Controller of Communication Accounts, Ministry of Communication and IT, Department of Telecom, U.P. (East), Circle, Vikas Khand-1, Gomti Nagar, Telephone Exchange Building, Gomti Nagar, Lucknow.
3. Senior Chief Accounts Officer, Office of Controller of Communication Accounts, Ministry of Communication and IT, Department of Telecom, U.P. (East) Circle, Vikas Khand -I, Gomti Nagar Telephone Exchange Building, Gomti Nagar, Lucknow.
4. Ms. Archona Pandey, Daughter of late Shyam Vishal Pandey, presently residing at F-2248, Sector F, Rajojipuram Colony, Lucknow.

Respondents

By Advocate: Sri Raghvendra Misha

ORDER (ORAL)

Hon'ble Dr. A.K. Mishra, Member (A)

Heard both parties.

It is the case of the applicant that she was in receipt of family pension being the wife of late Shyam Vishal Pandey, who was working with the respondents' Department and expired on 14.3.2007. The family pension was sanctioned on 7.9.2007 (Annexure No.2). The applicant's grievance has stemmed from the impugned order dated 11.2.2010 of respondent No. 3 in which the family pension to which she is entitled has been shared with the daughter of deceased employee on 50-50 basis. According to the learned counsel for the applicant, the respondent No. 4 is a married daughter and as such she is not entitled to the family pension as per Rule 54 (6 explanation b)

of Central Civil Services (Pension) Rules, 1972 . According to him, the respondent No. 4 got married even during the life time of the deceased employee. Therefore, the impugned order is not justifiable.

3. The learned counsel for the respondents submits that he has no instruction in the matter. However, he will not have any objection, if the applicant files a representation setting forth his grievance to be decided by the respondent No. 3 within one month from the date of receipt of representation.

4. In the circumstances, the applicant is directed to file a representation setting forth her grievance before the competent authority. A copy of the O.A. may be given to the competent authority and it should be treated as additional document. The respondent No. 3 is directed to dispose of the representation of the applicant within a month from the date of receipt of representation from the applicant. Till such time, he may not give effect to the impugned order. O.A. is disposed of accordingly. No costs.


(Dr. A.K. Mishra)
Member (A)

HLS/-