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CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

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NEW BOMBAY BENCH

O.A. No. 766 of 1988
~~To & From~~

DATE OF DECISION 1.8.1989

Smt. Anusayabai Vithoba Salvi Petitioner

Shri D.V. Gangal Advocate for the Petitioner(s)

Versus

Union of India & 3 Others. Respondent

1. Shri P.M. Pradhan for R No. 2 & 3
2. Shri V.S. Masurkar, for R No. 4 Advocate for the Respondent(s)
3. ~~Shri~~ None for R No. 1

CORAM :

The Hon'ble Mr. M.Y. Priolkar, Member(A)

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

Handwritten signature

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
NEW BOMBAY BENCH, NEW BOMBAY.

Original Application No.766/88

Smt. Anusayabai Vithoba Salvi,
563, Sector-II,
C.G.S. Quarters,
Kane Nagar, Antop Hill,
Koliwada,
Bombay-400 037.

.. Applicant

V/s.

1. The Union of India
through Secretary,
Ministry of Finance,
Department of Economic Affairs,
New Delhi.
2. The General Manager,
India Security Press
(Bharat Pratibhuti Madranalaya),
Nasik Road,
Nasik-422 101.
3. The Chief Accounts
& Administrative Officer,
India Security Press,
Nasik Road,
Nasik-422 101.
4. The General Manager,
India Government Mint,
Bombay-400 023.

.. Respondents.

Coram: Hon'ble Member(A), Shri M.Y. Priolkar.
Hon'ble Member(A), Shri

Appearance:

1. Shri D.V. Gangal,
Advocate
for the applicant
2. Shri P.M. Pradhan,
Advocate
for respondent No.2 and 3.
3. Shri V.S. Masurkar,
Advocate
for respondent No.4.
4. None present for
respondent No.1.

ORAL JUDGMENT:

Dated: 1.8.1989

IPER: Shri M.Y. Priolkar, Member(A)

This is a case where inspite of the special
emphasis pladed by the Government of India an expeditious

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and liberal treatment of family pension claims, particularly of old widows, it has not been possible to decide one way or other the present claim for pension submitted on 1st October, 1987 by an 80 years old widow.

2. The applicant is the widow of a former employee of the office of the Controller of Currency, Government of India, Bombay who died on 26.8.1934. The functions of this office were subsequently taken over by the Reserve Bank of India from 1st April, 1935. The applicant ^{wrote} for the first time on 11.8.1987 to Special Officer(C&C), Government of India, Ministry of Finance, New Delhi, saying that she is entitled to family pension under the liberalised family pension rules, but she did not have in her possession any papers to establish the service put in by her late husband. Unfortunately, though this letter was addressed to him by name, it does not seem to have received the personal attention of this Special Officer as enjoined under the Government of India Instructions for dealing with pension claims, particularly of old widows. The application seems to have been merely forwarded and that too, wrongly, to India Security Press, Nashik from which the applicant received a letter dated 19.9.1987 asking for particulars such as the names of the colleagues of her late husband so as to enable them to process the claim of the applicant. Accordingly, the applicant submitted on 1.10.1987 to the General Manager, India Security Press, Nashik an affidavit dated 1.10.1987 from one Shri P.S.Dalvi, aged about 73 years, who stated that he was working in the paper Currency Office at Bombay

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under the Controller of Currency, Government of India as a Peon from 1931 to May 1939 and that the applicant's husband was also working along with him in the same office as Daftarband till his death on 26.8.1934. The application in the prescribed form was also forwarded by the applicant to the General Manager, India Security Press, Nashik on 1.10.1987 along with the affidavit from Shri Dalvi and also her own affidavit. She was informed on 1.3.1988 i.e. after five months, that her late husband was not an employee of the India Security Press. Since there was no response to her further representations dated 22.3.1988 and 11.5.1988, she approached this Tribunal on 23.8.1988 praying ^{for} direction for payment of family pension with arrears in accordance with the instructions issued by the Government of India. By letter dated 7.9.1988 of the India Security Press, the applicant was, however, advised to contact the Government of India Mint, Bombay, since her husband was never an employee of the Press.

3. I have heard today Shri D.V.Gangal, learned advocate on behalf of the applicant and Shri P.M.Pradhan, Counsel on behalf of the respondents No. 2 & 3 ^{and Shri V.S.Mamurkar for Respondent No. 4.} and 4.

4. The applicant's case is that she is entitled to family pension under the provisions of Government of India, Ministry of Personnel, Public Grievance & Pension's Office Memorandum dated 5.6.1986, under which family pension could be granted, even if old records are not available, on production of a succession certificate from the Court, affidavit sworn before the Magistrate of

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affidavit of the claimant on plain paper, supported by any two documents which may be acceptable to the head of the department/pension sanctioning authority.

5. In the written replies filed on behalf of respondents No. 2 to 4, namely India Security Press, Nashik and Government of India Mint, Bombay, the only ground given why the claim is not accepted is that the deceased employee was not on their roll, and therefore the applicant is not entitled to the relief claimed in the application from them. Respondent No.1, namely, Union of India, Department of Economic Affairs though served with the notice did not make an appearance or file any reply. Today, during the course of hearing, Mr.P.M.Pradhan produced copy of a letter from the Reserve Bank of India dated 7.7.1989 addressed to the General Manager, India Security Press, Nashik stating that the name of Shri Pandurang Sakharam Salvi (who has filed the affidavit on 1st October, 1987) and the names of late Sarvashi Jairam Mumbaji Salvi and Sitaram Suryaji Sawant, Peons (mentioned in applicant's letter dated 13.2.1988 as contemporaries of her husband viz. Shri Vithoba B.Salvi) are figuring in the lists of Government employees, transferred from Government's Currency Department to the Reserve Bank of India on its establishment from 1st April, 1935.

6. The applicant has produced along with her application a xerox copy of the death certificate of her late husband who died on 26.8.1934. This certificate is stated to be issued by the Tahasildar, Ratnagiri. In

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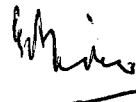
the face of this certificate, it is not clear how the Reserve Bank of India states that the applicant's late husband was one among the transferee Government employees. It is also not clear how Shri P.S. Dalvi's affidavit of 1.10.1987 states that he worked in the Paper Currency Office at Bombay upto May 1939 when that office was reportedly closed down and its staff transferred to Reserve Bank of India on its establishment from 1.4.1935.

7. The Office Memorandum of Ministry of Personnel, Public Grievances & Pensions dated 5.6.1986, liberalising the procedural requirement of documentary evidence for the purpose of sanctioning family pension lays down that along with the affidavit of the claimant, at least two documents should be submitted which may be acceptable to the Head of the department/pension sanctioning authority. In the present case, however, only one document, namely, Shri Dalvi's affidavit has been submitted along with the applicant's affidavit. As stated earlier Shri Dalvi states in his affidavit that he worked in the office of the Controller of Paper Currency till May 1939, when apparently that office was wound up in April 1935. It appears that there is also some discrepancy in the date of death of the applicant's late husband, stated to be 26.8.1934, when according to the Reserve Bank of India, he was among the Government Employees transferred to them on 1.4.1935. In these peculiar circumstances, I am not in a position to give any finding regarding ~~to~~ The admissibility of this claim for payment of family pension. In my view, the existing provisions for the grant of

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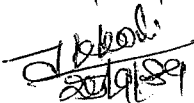
family pension are fairly liberal and any further liberalisation or relaxation in the rules may be at the risk of opening the floodgates for fraudulent claims. It is really for the head of the concerned department/pension sanctioning authority to personally examine the claim sympathetically and come to a decision regarding admissibility or otherwise of the family pension in the light of the Government of India instructions on the subject.

8. On the basis of foregoing discussion, I direct that a Senior Officer of the Department of Economic Affairs, preferably Joint Secretary incharge of currency, may be nominated by respondent No.1 to investigate the claim submitted by the applicant, if necessary, in consultation with the Reserve Bank of India, and take a final decision within a period of one month from the date of receipt of a copy of this order, regarding admissibility or otherwise of the claim for family pension submitted by the applicant. If the claim is found admissible, payment of family pension, including arrears should be arranged to be made from the appropriate department, within a period of two months thereafter. Parties will bear their respective costs.



(M.Y. Priolkar)
Member(A)

Judgment dttd. 1/8/89
Send to parties
on 25/9/89.


20/9/89