

**CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.**

ORIGINAL APPLICATION NO:324/99

THURSDAY the 7th day of OCTOBER 1999.

CORAM: Hon'ble Shri Justice R.G.Vaidyantha, Vice Chairman.

Smt. Parvatabai Tanhabai
Pilaji Bhote,
Resident of Parandwadi,
P.O. Talegaon Dabhade,
Tal. Maval, Dist. Pune.

...Applicant.

By Advocate Shri J.M.Tanpure.

V/s

1. Union of India through
The Secretary,
Ministry of Defence,
South Block, New Delhi.

2. The Commandant,
Ordnance Depot,
Talegaon Dabhade,
Tal. Maval, Dist. Pune.

...Respondents.

By Advocate Shri R.K.Shetty.

ORDER(ORAL)

(Per Shri Justice R.G.Vaidyanatha, Vice Chairman)

This is an application filed by the applicant for family pension. The respondents have filed reply. I have heard Shri J.M.Tanpure counsel for the applicant and Shri R.K. Shetty counsel for the respondents.

2. The applicant ^{claims} ~~came~~ to be the wife of the deceased Shri Pilaji Baburao Bhote who was working as Mazdoor in the office of respondent No.2. The employee had died in harness on 11.12.1990 leaving behind the applicant and children. According to the applicant the first wife of the employee died on 30.10.1973 leaving behind her four children. Thereafter the said

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employee married the applicant. As per custom the applicant's name was changed from Parvatibai to Tanhabai. The applicant is entitled to get all retirement benefit from the respondents due to her husband. The present application is filed only in respect of family pension from 11.12.1990, the date of death of her husband.

3. The respondents have not denied the relief of the applicant, ^{but pleaded that} The dispute is regarding the question of relationship which has to be decided by the Competant Civil Court.

4. In fact the respondents as per letter dated 30.5.1998 (Exhibit A-2) informed the applicant that her claim can be settled only after getting the Succession Certificate from the Civil Court.

5. Today the learned counsel for the applicant tenders before me the original Succession Certificate issued by Jt.Civil Judge S.D. Pune dated 27.9.1999 in MA No. 428/98. After seeing the original certificate, zerox copy of the Succession Certificate is kept on record and the original has been returned to the learned counsel for the applicant.

In view of the Succession Certificate issued by the Competant Civil Court the applicant, the wife of deceased Pilaji Baburao Bhote, is entitled to the claim of family pension from the date of death of her husband namely from 11.12.1990.

6. The applicant is also claiming for interest on the arrears of family pension. The respondents have not rejected the claim of the applicant but only directed her to produce the Succession Certificate since records of ~~the~~ the respondents do

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not show that applicant is the wife of the deceased³ employee. The respondents could not make the payment to her as she has not produced the Succession Certificate from the Competant Civil Court. Therefore in the circumstances prayer for interest cannot be granted.

7. In the result the OA is allowed. The respondents are directed to pay the family pension due to the applicant from the date of death of her husband i.e. from 11.12.1990 till today and continue to pay the same to her till her death or till she re-marries. In the circumstances the respondents are granted three months time to comply with the order from the date of receipt of this order. No order as to costs.

(R.G.VAIDYANATHA)
VICE CHAIRMAN

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