

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH: :MUMBAI

ORIGINAL APPLICATION NO. 815/2000

THURSDAY, THE 05TH DAY OF JULY, 2001

CORAM: HON'BLE SHRI B.N. BAHADUR. ... MEMBER (A)

Miss Priyamvada Premanand Chandekar,
Ex Senior Section Supervisor,
Staff No.2617, Central Telegraph Office,
Mumbai, R/a C/o Mrs. Jaiswal, 41/808,
Azad Nagar-II, Veera Desai Road,
Andheri (W), Mumbai-400 053. ... Applicant

By Advocate Shri S.S. Karkera.

Vs.

1. The Union of India,
through the Chairman,
Telecom Commission,
Sanchar Bhavan, Ashoka road,
New Delhi-110 001.
2. The Secretary,
Ministry of Personnel,
Public Grievances and Pensions,
Department of Pension & Pensioners
Welfare, New Delhi.
3. The chief Superintendent,
Central Telegraph Office,
Fountain, Mumbai-400 001.
4. The Chief Account Officer (TA),
O/o the Chief General Manager Telecom,
at present having office at
C.T.O. Compound Fountain,
Mumbai-400 001. ... Respondents

By Advocate Shri V.S. Masurkar for R1, 3 & 4.
Shri V.G. Rege for R2.

O R D E R (ORAL)

The applicant in this case has come up to this
Tribunal seeking the relief in substance for a direction

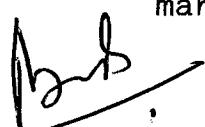


to the respondents to grant the benefit of family pension to the dependent sister of the applicant, after the death of the applicant. The learned counsel for the applicant, Shri S.S. Karkera, and learned counsel Shri Yelwe for Shri v.S. Masurkar for R1, 3 & 4 have been heard. Shri V.G. Rege who is counsel for Respondent No.2 has also been heard in the matter. I have also considered the papers in the case, including the reply filed by respondents 1, 3 & 4.

2. Since the matter is on a short point, it is heard at the stage of admission, as agreed by all counsel, and is being disposed of accordingly.

3. The basic point in the case is, as per rule 14 (b) of Rule 54 of the CCS (Pension) Rules, the word "Family" has been defined in regard to this ~~rule~~^{subject}, which deals with the subject of family pension. The word "family" has been defined to include wife/husband of Govt. servant. Subsequently the definition has been enlarged to include:-

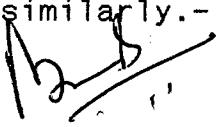
- (a) Parents who ~~were~~ were wholly dependent on the Government servant when he/she was alive provided the deceased employee had left behind neither a widow nor a child.
- (b) Son/daughter including wodowed/divorced daughter till he/she attains the age of 25 years or up to the date of his/her marriage/remarriage, whichever is earlier.



In fact, it is admitted by all sides that sister, dependent or otherwise, is not included in the definition. It is, therefore, clear that a dependent sister is not eligible for family pension in terms of the rule of the Government.

4. In fact the learned counsel for the applicant, while arguing the case has not doubted this position. But the point made and argued by him is that here is case of a person who herself has been a spinster, and therefore in her case there will be no liability of family pension to anybody else. The learned counsel Shri Karkera further stated that in certain cases, the Hon'ble apex court has directed for payment of family pension to other categories. However, he is not able to cite any case here. (Later, he produced a copy of the judgment in the case of State of H.P. & another Vs. Kedar Nath Sood & another in Civil Appeals No. 14081 of 1996 with No.11 of 1998 decided on 8.1.1998 reported in 1999 (1) SC Services Law Judgments page 312. I have seen this judgment and find that it offers no support in this particular case.)

5. Learned counsel Shri Rege made the point that the payment has to be made in accordance with the rules and rules do not contemplate/allow payment of family pension to a sister. Learned counsel Shri Yelwe argued similarly.- for Respondent No.1.



6. The short point here is that, well as the government is entitled ~~to consider~~ the case on merits ~~or to~~ ^{to} consider a change in policy upon representation by individuals, or groups of individual Government servants, the relief in a court can only be obtained, if it is entitled as per rules. It is not for courts or Tribunals like us to go into the areas of policy, which is clearly what is being required of us today. The law in this regard is well settled and it is not necessary for me to lay down reasons in this regard in any further detail. The rules as they stand do not contemplate a sister, even if dependent, to be entitled to family pension, and hence the applicant cannot have any rights for the reliefs sought. The action of respondents cannot be faulted.

7. Accordingly, the relief that is being sought in this OA cannot be claimed by judicial determination. Hence, the OA is dismissed with no order as to costs.

B.N. Bahadur

— (B.N. BAHADUR),
MEMBER (A)

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