

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE - 560 033.

Dated: 24 MAR 1995

APPLICATION NO. 732 of 1995.

APPLICANTS: Smt. A. Umadevi, Bangalore.

V/s.

RESPONDENTS: The Accountant General (Audit-I), Karnataka.

To

1. Bri. A. N. Venugopala Gowda, Advocate,
No. 8/2, First Floor, R.V. Road,
Bangalore-560 004.
2. The Accountant General (Audit-I),
Karnataka, Bangalore-560 001.
3. Sri. M. Vasudeva Rao, Addl. Central Govt.
Stag. Counsel, High Court Bldg, Bangalore-1.

Subject:- Forwarding copies of the Orders passed by the
Central Administrative Tribunal, Bangalore-38.

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Please find enclosed herewith a copy of the Order/
Stay Order/Interim Order, passed by this Tribunal in the above
mentioned application(s) on 14th March, 1995.

Issued on
24/03/95
[Signature]

[Signature]
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

ORIGINAL APPLICATION No.732/1995

TUESDAY, THIS THE 14TH DAY OF MARCH, 1995

SHRI JUSTICE P.K. SHYAMSUNDAR .. VICE CHAIRMAN

SHRI T.V. RAMANAN .. MEMBER (A)

Smt. Umadevi A.,
W/o late K.B. Chikkanna,
aged about 23 years,
No.117, 7th Main Road,
Jabbar Block, Vyalikaval,
Palace Guttehalli,
Bangalore - 560 003. ... Applicant

(By Advocate Shri A.N. Venugopal Gowda)

Vs.

Union of India,
represented by the
Accountant General (Audit)-I,
Karnataka, Bangalore. ... Respondent

(By Advocate Shri M. Vasudeva Rao,
Addl. Central Govt. Stg. Counsel)

ORDER

SHRI JUSTICE P.K. SHYAMSUNDAR, VICE CHAIRMAN:

This application, under Section 19 of the Administrative Tribunals Act, 1985, is by a widow, the applicant herein claiming payment of family pension due to her following the death of her husband, Chikkanna, who was a Group 'D' employee at the time of his death. The facts are not in dispute. Chikkanna was a permanent employee in the Accountant General's office. He joined service in the year 1986. He passed away in the year 1993, after rendering nearly a total number of 7 years of service. It is common ground that he had married the applicant Umadevi and she would ofcourse be entitled to the family pension if not ^{be} other terminal benefits like,

Provident Fund, Gratuity, DCRG, etc., regards which there appears to be some confusion since we are told that her in-laws have filed a petition No.P&SC Suit No.104/1993 before the City Civil Court to grant them a Succession Certificate for claiming the entire amount of Provident Fund, Gratuity, DCRG, etc. There, the department filed a written statement averring interalia, as follows:

"His Wife, Smt. Umadevi will be getting the Family Pension of Rs.411/- plus Dearness Relief thereon as applicable from 16.8.1993 to 16.8.2000 and thereafter at Rs.375/- plus Dearness Relief thereon from time to time in terms of Rule 54 of Central Civil Service (CCS) Pension Rules 1972 until her death or remarriage." Having stated so much, anybody would probably have expected the department to have straightaway ordered grant of family pension if not anything else, to the widow of the deceased employee. But, that does not seem to have happened and therefore, we have before us, the claim for family pension in the instant case. Lo and behold, we are again told that since the aforesaid suit is pending in the City Civil Court and all this after having asserted that it is the widow who is entitled to the family pension, even so, it is now contended that nothing can be done to the family until the suit is disposed off.

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2. We, however, see absolutely no tenable reason on the basis of which the widow could be denied family pension if not other terminal benefits, an aspect into which we are now called upon to investigate in this application.

3. Surely, the department should have noticed the in-laws were claiming for a share or the entire amount of terminal benefits i.e., GPF, Gratuity, DCRG, etc. and had not laid any claim for family pension in that very suit and to state presently because of

pre
pendency of the suit the department is restrained and is not able to grant even the family pension is a very attenuated defence which carries no conviction at all.

4. Hence, it is, we allow this application and issue a direction as prayed for calling upon the department to compute and pay the family pension due to the applicant and to continue to pay the same until any further exigencies contrived by law affects such payment. The family pension due should be computed and paid to the applicant within one month from the date of receipt of a copy of this order with 12% interest. The applicant will also be entitled for costs. Advocate's fee Rs.500/-.

5. Let a copy of this order be sent to the Accountant General, Karnataka, Bangalore, for information and necessary action.

Sd/-
(T.V. RAMANAN)
MEMBER (A)

Sd/-
(P.K.SHYAMSUNDAR)
VICE CHAIRMAN



TRUE COPY
[Signature]
24/3/95
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore