

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A. 1090/94.

Dt.of Decision : 9.11.94.

Mr. Shaik Khader Vali

.. Applicant.

vs

1. The Director of Accounts (Postal)  
Dak Sadam, Abids, Hyderabad.

2. Director General of Posts  
Dek Bhawan, Sansad Marg,  
New Delhi - 1.

.. Respondents.

Counsel for the Applicant : Mr. Krishna Devan

Counsel for the Respondents : Mr. N.V. Raghava Reddy, Addl. CGS

CORAM :

THE HON'BLE SHRI A.B. GORTHI : MEMBER (ADMN.)

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DA 1090/94.

Dt. of Order: 9-11-94.

(Order passed by Hon'ble Shri A.B.Gorthi,  
Member (A)).

\* \* \*

The applicant is the son of late Sri S.Fakruddin, who retired as Postman on 1-4-1978. The employee drew pension till May, 1985 but thereafter dis-appeared from the house in an unsound state of mind. The family members made efforts to trace the missing person but without any success. The applicant was a minor at that time and did not know how to proceed in the matter of claiming family pension. On 4-11-1991 he approached the authorities concerned and thereafter on 21-2-92 made a ~~representation~~ written complaint to the Police. The S.H.O., Cumbum vide his certificate dt.15-3-92 stated that the missing person could not be traced despite efforts. The applicant submitted all the relevant documents to the concerned authorities and once/again requested for grant of family pension. As the same was denied, this O.A. has been filed with a request for a direction to the Respondents to pay family pension to the applicant with effect from May, 1985.

2. The Respondents in their reply affidavit stated that since the applicant lodged the F.I.R. with the police on 21-2-92, he would be entitled to grant <sup>of</sup> family pension with effect from 22-2-93 i.e. after completion of one year from the date of lodging the F.I.R. This, according to the Respondents, is in accordance with the O.M.No.1(17)-P&PW/86-E dt.18-2-1993, issued by the Govt. of India, Ministry of Personnel, Public

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Grievances & Pensions. Relevant portion of the said O.M. is extracted below :-

"At present the family pension is sanctioned and paid to the eligible member of the family one year after the date of registering the FIR with the police and no family pension is paid for the intervening period of one year from the date the FIR is lodged to the date the family pension can be sanctioned. This practice is causing hardship to the families. It has now been decided that the family pension, which is <sup>in</sup> pursuance of the earlier orders, will ~~be~~ sanctioned and paid one year after the date of lodging the FIR will accrue from the date of lodging the FIR or expiry of leave of the employee who has disappeared whichever is later. When the sanction for family pension is issued, the payment of pension from the date of accrual may be authorised. The usual procedure of obtaining the indemnity bond etc. as laid down in the O.M. dt.29-8-86 will continue to be followed."

From the above O.M. it is apparent that family pension would accrue to the applicant from the date of lodging the F.I.R.

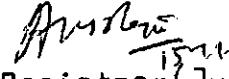
The stipulation of the period of one year is only for the purpose of making payment of the family pension and it does not refer to the date of entitlement. In view of this, this Original Application is allowed to the extent that the direction is given to the Respondents to pay family pension to the

applicant with effect from 21-2-92 within a period of three months from the date of communication of this order. The payment of the said family pension shall of course be in accordance with all the relevant rules/instructions.

3. No order as to costs.

  
(A.B. GORTHI)  
Member (A)

Dt. 9th November, 1994.  
Dictated in Open Court.

  
Amrit Singh  
Deputy Registrar (Judl.)

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Copy to:-

1. The Director of Accounts (Postal), Dak Sadan, Abids, Hyd.
2. Director General of Posts, Dak Bhavan, Sansad Marg, New Delhi
3. One copy to Sri. Krishna Devan, advocate, CAT, Hyd.
4. One copy to Sri. N.V. Radhakrishna Reddy, <sup>CCS</sup> CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-

OA: 1096/ay

Typed by  
Checked by

Compared by  
Approved by

ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. A. V. HERIDHAN : MEMBER (J)

AND

THE HON'BLE MR. A. V. HERIDHAN : MEMBER (A)

Dated: 9/11/94

ORDER/JUDGMENT.

M.A./R.P/C.P/No.

O.A.NO.

in  
1096/ay

I.A.NO.

(W.P.NO.)

Admitted and Interim Directions  
Issued.

Allowed.

Disposed of with Directions.

Dismissed.

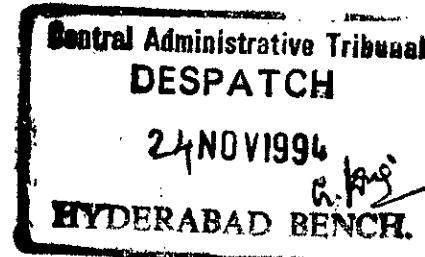
Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

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