

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./TA/ NO. 245.2009-2008
R.A./CP/NO..... 2015
E.P./M.P./NO..... 2015

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SECTION OFFICER (JUDL.)

20.2.2015
g. 1.7.2015

FORM NO. 4
 (See Rule 42)
 CENTRAL ADMINISTRATIVE TRIBUNAL
 GUWAHATI BENCH :
ORDER SHEET

245

1. ORIGINAL APPLICATION No : 245 / 2009

2. Transfer Application No : 2009 in O.A. No. -----

3. Misc. Petition No : ----- / 2009 in O.A. No. -----

4. Contempt Petition No : ----- / 2009 in O.A. No. -----

5. Review Application No : ----- / 2009 in O.A. No. -----

6. Execution Petition No : ----- / 2009 in O.A. No. -----

Applicant (S) : *Miss Jili Deka*

Respondent (S) : *Union of India's Ministers*

Advocate for the : *Ms Monjuli Dev, M.P.M.C. Deka*
 {Applicant (S)} *Miss P. Deb.*

Advocate for the : *Rly. Counsel.*
 {Respondent (S)}

| Notes of the Registry | Date | Order of the Tribunal |
|---|------------------------|---|
| <p>This application is in form is filed/C. F. for Rs. 50/- deposited vide IPO/BD No. 396419327 Dated 12-7-2008</p> <p>Dy. Registrar 26/11/09 26/11/09</p> | 27.11.2009 1pb/ | <p>For the reasons recorded separately, O.A. stands disposed of.</p> <p><i>(Madan Kumar Chaturvedi)</i> <i>Member (A)</i></p> |

26.11.09
 Three copies of
 application with envelope
 received for issue notice
 to the Respondent No 1 to 3.
 Copy served.

26/11/09 *Copy*
Recd. 16/12/09

16-12-09

Judgement/Order dated
27/11/09 Send to the
 D/Secy for issuing the
 all the respondents
 vide No. ----- dated

Issue ride memo

No. 12901 to 12903

A-12-12-2009

~~1000~~
30.52.03

1. DRAFT DRAFT DRAFT DRAFT DRAFT

REVIEW

2. DRAFT DRAFT DRAFT DRAFT DRAFT

3. DRAFT DRAFT DRAFT DRAFT DRAFT

REVIEW

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI:**

O.A. Nos 245 of 2009

Date of Decision : 27.11.2009

Miss Jili Deka
.....

Applicant/s

Mr. M. C. Deka
.....

**Advocates for the
Applicant/s**

- Versus -

U.O.I. & Ors.
.....

Respondent/s

Dr. J.L. Sarkar, Railway Standing Counsel
.....

**Advocate for the
Respondents**

CORAM :

HON'BLE MR.MADAN KUMAR CHATURVEDI, MEMBER (A)

1. Whether reporters of local newspapers may be allowed
to see the Judgment ?

Yes/No

2. Whether to be referred to the Reporter or not ?

Yes/No

3. Whether their Lordships wish to see the fair copy
of the Judgment ?

Yes/No

Judgment delivered by

MEMBER(A)

Chakraborty

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI :**

Original Application No. 245 of 2009

DATE OF DECISION: THIS, THE 27TH OF NOVEMBER, 2009

HON'BLE MR. MADAN KUMAR CHATURVEDI, ADMINISTRATIVE MEMBER

Miss Jili Deka
Daughter of Late Hema Ram Deka
Resident of – Pub-Guimari
P.O. – Pub- Guimari
P.S. – Kampur
District – Nagaon, Assam.

.....Applicant

By Advocate: Mr. M.C. Deka

-Versus-

1. The N.F. Railway
Represented by the General Manager
Maligaon, Guwahati
Pin – 781011, Assam.
2. The General Manager (Personal)
N.R. Railways
Maligaon, Guwahati
Pin – 781011, Assam.
3. The Divisional Railway Manager
N.F. Railway, Lumding
Pin – 782447.

.....Respondents

By Advocate: Dr. J.L. Sarkar, Railway Standing Counsel.

ORDER (ORAL)

MR. MADAN KUMAR CHATURVEDI, ADMINISTRATIVE MEMBER

The policy of the state is laid down in the dictum "INTEREST REPUBLICA" UT SIT FINIS LITUM", that law suits be not protracted, otherwise great oppression might be done under the

colour and pretence of law. Having regards to the facts, it was thought fit to adjudicate the issue at the admission stage only as such I proceed to decide the OA on merits.

2. The solitary issue raised in this O.A. relates to the grant of X-gratia family pension to the daughter of the deceased, consequent upon the demise of her mother.

3. I find from records that the Applicant made two representations in this regard i.e. first on 25th April 2005 and next on 29th May, 2009. Both the representations were made before the Divisional Railway manager, N.F. Railway, Lumding. It was stated in the said representation that the mother of the Applicant, Sayndhi Deka received the pensionary benefit of her father, granted by the N.R. Railway authority vide No. LMG/PEN/Ex-gratia/Engg/20 dated 07.08.1999. Subsequent to the demise of her father late Hema Ram Deka, the mother of the Applicant managed her livelihood with the monthly pension and the Applicant being the only unmarried daughter had to remain with her old and ailing mother during her life time. Her three brothers were separated from mother during her mother's life time.

4. Reliance was placed on the office memorandum dated 6th September, 2007 issued by Ministry of Personnel, P.G. & Pension, Department of Pension & Pensioner's Welfare by which the scope of family pension extended to unmarried daughters of the Central

Government Servants/Pensioners even after attaining the age of 25 years.

5. Dr. J.L. Sarkar, learned Railway Standing counsel argued that in the interest of justice, the claim of the applicant need to be examined in the light of the aforesaid circular.

6. I have heard the rival submissions. Respondent No. 3 is directed to examine the claim of the applicant in the light of aforesaid circular. He is required to decide this issue by a speaking order within a period of three months from the date of the receipt of a copy of this order.

7. O.A. stands disposed of accordingly.

8. Free copies of this order be supplied to the advocates of both the parties.

Chaturvedi
(Madan Kumar Chaturvedi)
Member (A)

/pb/

DISTRICT - NAGAON

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

ORIGINAL APPLICATION NO. 245 2009

Miss Jili Deka

Applicant

- Vs -

The N. F. Railways & Ors.

Respondents

SYNOPSIS

The brief fact of the case is that the applicant's father Late Hema Ram Deka was an employee of Railways who died on 1.10.1987. After the death of her father Late Hema Ram Deka, the mother of the applicant namely, Sayandhi Deka, being the legal heir received the pensionary benefit of her father. The applicant all along remained with her old and ailing mother looking after during life time as the adult brothers separated themselves in order to make their own livelihood. So, the applicant has not been married and due to advanced age she has no desire for future marriage. The mother of the applicant Sayandhi Deka expired on 2.3.2005 due to old age ailment and since then she has become quite helpless ^{for} want of support from any other person:

In the meantime, the applicant submitted representation before the concerned authorities on 25.4.2005 with an affidavit to substantiate her claim for getting pension in absence of any other unmarried daughter of the deceased employee Late Hema Ram Deka. Finding no response from the authority the applicant has submitted another representation on 29.5.2009. But the authority has not considered her representation till now. Hence this application.

Filed by

Date 24.11.09.

Monjuli Dev

(Miss Monjuli Dev)
Advocate
Gauahati High Court

26 NOV 2009

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

DISTRICT - NAGAON

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH: GUWAHATI

ORIGINAL APPLICATION NO. 245/2009

Miss Jili Deka

.. Applicant

- Vs -

The N. F. Railways & Ors.

.. Respondents

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| 8. | Notice | |

Filed by

Date

Monjuli Dev

(Miss Monjuli Dev)
Advocate
Gauahati High Court

DISTRICT - NAGAON

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

26 NOV 2009

Guwahati Bench
গুৱাহাটী ন্যায়পৌঠ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH: GUWAHATI

ORIGINAL APPLICATION NO. 245/2009

Miss Jili Deka

.. Applicant

- Vs -

The N. F. Railways & Ors.

.. Respondents

LIST OF DATES

| | |
|-----------|--|
| 1.10.1997 | The applicants father Hema Ram Deka, Pensioner of the N.F. Railways died |
| 4.10.1997 | The applicants mother namely Sayandhi Deka received pensionary benefit. |
| 2.3.2005 | The applicant's mother Sayandhi Deka expired. |
| 25.4.2005 | The applicant submitted representation before the authority for pensionary benefit on death of mother. |
| 29.5.2009 | The applicant submitted another representation for pensionary benefit but without any action. |

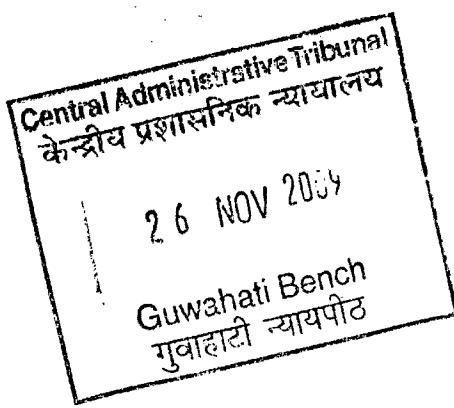
Filed by

Date

Monjuli Dev

(Miss Monjuli Dev)
Advocate
Gauahati High Court

DISTRICT - NAGAON



Filed by
free applicant
through
Advocate

24. 11. 01
Advocate
Debjit Deka

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH: GUWAHATI

ORIGINAL APPLICATION NO. 245/2009

Miss Jili Deka

.. Applicant

- Vs -

The N. F. Railways & Ors.

.. Respondents

DETAILS OF APPLICANT -

Name of the applicant -

1. Miss Jili Deka

daughter of late Hema Ram Deka

Resident of- Pubguimari

P.O. - Pub - Guimari

P.S. - Kampur,

District - Nagon, Assam.

.. Applicant

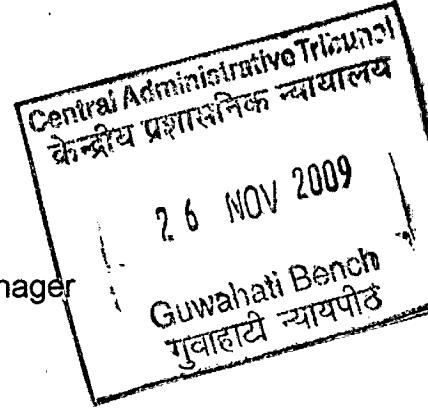
Designation and office -

Daughter of deceased employee i.e. Hema Ram
Deka, Gangman/ jid N.F. Railways

Details of Respondents

1. The N. F. Railways,
Represented by the General Manager,
Maligaon Guwahati,
Pin – 781011, Assam.

2. The General Manager, (Personal),
N. F. Railways,
Maligaon, Guwahati – 781011, Assam.



3. The Divisional Railway Manager
N.F. Railways, Lumding,
Pin - 782447

.. Respondents.

DETAILS OF APPLICATION -

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE.

This application is made for pensionary benefits on death of mother of the applicant who was granted retrial benefits on death of father of the applicant.

2. JURISDICTION -

The applicant declares that the subject matter of the application is within the jurisdiction of the Hon'ble Tribunal.

3. LIMITATION -

The applicant declares that the application is within the period of limitation under Section 21 of the Central Administrative Tribunal Act, 1985, the prayer is for pensionary benefits.

4. FACTS OF THE CASE -

4.1. That the applicant is a citizen of India and as such is entitled to all such rights, privileges and protection guaranteed by the Constitution of India.

4.2. That the applicants father namely late Hema Ram Deka was an employee of Railways who died on 1.10.1987. After the death of her father Hema Ram Deka, being the legal heirs the mother of the applicant namely, Sayndhi Deka received the pensionery benefit of her father, granted by the N.F. Railway authority vide order No. LMG/PEN/Ex-gratia/Engg/20 dated 7.9.89.

Copy of the order granting pension is enclosed
as Annexure -1.

4.3 That your applicant begs to state that her father Late Hema Ram Deka was working as gangman and after his death on 1.10.1987 his wife Late Sayandhi Deka, mother of the applicant received the pensionary benefits w.e.f. 4.10.87.

4.4 That the applicant begs to state that she was looking after her old and ailing mother when she was alive as her three adult brothers separated themselves from the mother in order to make own livelihood. So, the applicant has not been married and due to advanced age she has no desire for future marriage.

4.5. That the applicant begs to state that her mother Sayandhi Deka expired on 2.3.2005 due to old age ailment and she has become quite helpless and now she has been facing great difficulties to make her livelihood for want of support from any other person.

Copy of the death certificate is enclosed as Annexure - 2.

4.6. That the applicant begs to state that after the death of her mother she submitted a representation before the concerned authority with an affidavit to substantiate her claim for getting pension. There is ~~no other~~ unmarried daughter of the deceased employee Late Hema Ram Deka.

Copy of the representation dated 25.04.2005 is enclosed as Annexure - 3 alongwith a copy of the Affidavit.

4.7. That the applicant begs to state that she has been residing in a remote village with problem of communication and no favourable action taken yet by the authority. So another representation dated 29.5.2009 has been submitted to the authority for releasing the pension.

Copy of the representation dated 29.5.2009 is annexed herewith and marked as Annexure -4.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
26 NOV 2009

Guwahati Bench
গুৱাহাটী বৰ্ষা

Miss Jili Deka

26 NOV 2009

Guwahati Bench

4.8. That the applicant has come to know that provisions have been made by the Government of India to grant pensionary benefits to unmarried daughters irrespective of age limit. So, the prayer made by the applicant for granting pension is genuine and legitimate.

4.9. That this application has been made bonafide and for the cause of justice.

5. GROUND FOR RELIEF WITH LEGAL PROVISION:-

5.1 For that the applicant is entitled to ex-gratia family pension as her parents were pensioners of the N.F. Railway.

5.2 For that deceased mother of the applicant was granted pension by the N.F Railway till her death and the last pension was drawn on 9.11.2004.

5.3 For that it is the liability of the Respondents to pay ex-gratia /Family Pension to unmarried daughter as per rules whenever become due and payable.

5.4 For that the respondents have not taken any action on the representation submitted by the applicant claiming ex-gratia/family pension.

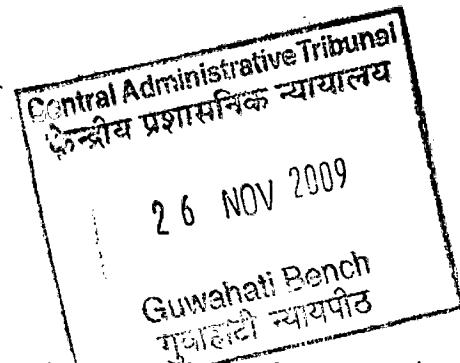
5.5. For that non-payment of ex-gratia/ family pension and pensionery benefits has caused undue hardship to the applicant.

For that pension and pensionery benefit is the property of the employee and as such the authority can not deprive the employee from the due benefit of the employee's property and the applicant being the Legal heir (unmarried daughter) is entitled for the benefit.

5.6 For that non-payment of pension and pensionery benefits is violative of Articles 14, 16 and 21 of the Constitution of India.

5.7 For that claim for ex-gratia family pension and pensionery benefits is a constitutional right of the applicant.

Miss Jili Deka.



6. DETAILS OF REMEDY EXHAUSTED -

The applicant begs to state that there is no other remedy under any rule. However, the applicant submitted representations which is not disposed of till date.

7. MATTER NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT -

The applicant further declares that she has not previously filed any application, writ petition or suit regarding the matter in respect of which, the application has been made before any court of law or any other authority or any bench of the tribunal and/or any such application, writ petition or suit pending before any of them.

8. RELIEF SOUGHT FOR -

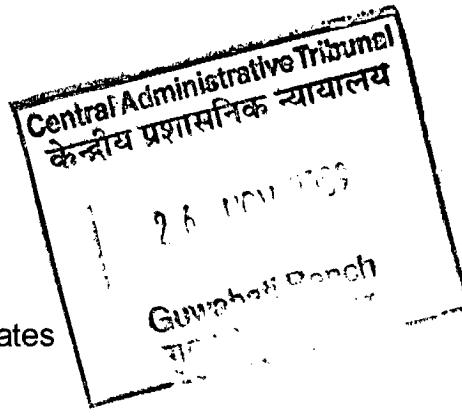
Under the facts and circumstances of the case the applicant prays that your Lordships would be pleased to issue notice to the respondents to show cause as to why the relief sought for by the applicant shall not be granted, call for the records of the case and on perusal of the records, and after hearing the parties on the cause that may be shown, be pleased to grant the following relief(s).

8.1. The ex-gratia/ family pension and pensionery benefit including any other reliefs should be fixed as per rules and make payment thereof.

9. INTERIM RELIEF PRAYED FOR -

In the interim, it is also prayed that pending disposal of the Original Application this Hon'ble Tribunal may be pleased to direct the Respondents authorities to pay family pension to the applicant for the interest of justice.

Miss Jili Deka.



10. This application has been filed through advocates

1. Miss Monjuli Dev
2. Miss P. Deb , Advocates
3. Mr. H.C. Deka. Advocate

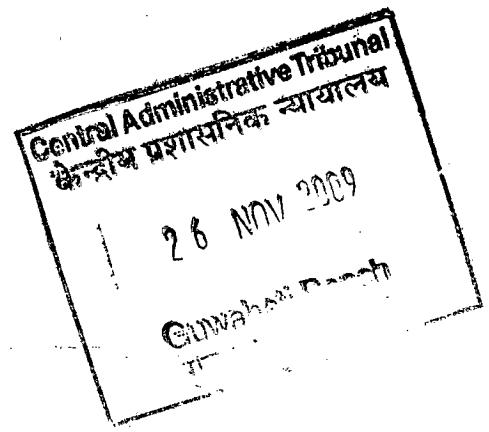
11. PARTICULARS OF THE I.P.O.

- (i) I.P.O. : 39G 417327 for Rs. 50/-
- (ii) Date of Issue - 12.07.2009
- (iii) Issued from : GPO Guwahati
- (iv) Payable at : GPO , Guwahati

12. LIST OF ENCLOSURES -

As per index.

Miss Monjuli Deka.



VERIFICATION

I, Miss Jili Deka, daughter of Late Hema Ram Deka and Late Sayandhi Deka, resident of Village and P.O. Pub- Guimari, Chaparmukh, P.S. Kamrup, in the district of Nagaon, aged about 41 years say that I am the applicant of the above case and put my signature and accordingly, I verify that the statements made in paragraphs 1,2,3 are true to my personal knowledge and those made in paragraphs 4,5,6,7 and 8 are to my legal advice and that I have not suppressed any material facts.

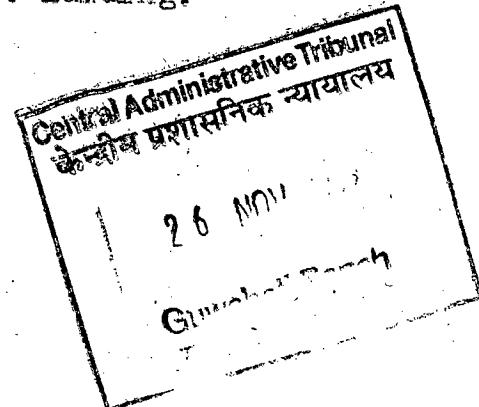
And I put my signature in this verification on this 24th the day of November 2009 at Guwahati.

Miss Jili Deka.

Signature

Office of the Divisional A/c's
Officer
N.F. Rly. Lumding.

No Lmg/Pen/Ex-gratia/Engg/80
dt 7-9-89.



To
The Manager
State Bank of India,
Raha Branch
of Nagaon.

Dear Sir,

Sub :- Ex-gratia Payment of
Smt Sayandhi Deka W/O Late
Hema Ram Deka Ex G/man Jid.

Ref :- This Office Ex-gratia Payment Order
No Lmg/Pen/Ex-gratia/Engg/80
dt. 10.6.89.

Kindly read savings Bank a/c No D/28/2650 instead of 2103
wrongly shown in the above quoted payment order as per
declaration by the party. The office copy and pensioner's copy
have been corrected as per Pensioners appeal. Arrainge to
make payment to the pensioner duly correcting all the papers
on the authorities of this letter.

Thanking you.

Yours faithfully,

Sd/- Divisional Accounts Officer
N.F. Railway, Lumding.

Copy to Smt Sayandhi Deka. Vill &
P.O. Pubgurimari PIN. 782425
Ds. Nagaon for information pl. She is requested to produce
this letter to the Bank Manager at the time of drawing
the first payment of Ex-gratia Payment.

Sd/- Divisional Accounts Officer
N.F. Railway, Lumding.

*Certified to be true
S. D. Acharya*

NORTHEAST FRONTIER RAILWAY

F/B

REGISTERED POST

EX-GRATIA PAYMENT

No. LMG/PEN/EX-GRATIA/Exgg/80.

Dated 12/8/87

To,

The Manager,

~~State Bank of India~~
Nagam.

Sir,

In terms of office Memorandum No. 4/1/87/P. & PW (PIC) Dated 13-6-88 of Ministry of Personnel, Public Grievances & Pensions (Department of Pensions & Pensioner's Welfare) circulated by the Railway Board vide their letter No. PC. IV/87/IMT/1, dated 30.6.88. I am forwarding herewith Ex-Gratia Payment Order No. ~~Ex-Gratia/Exgg/80. dt 10.87.~~ Dated ~~10.87.~~ ~~both disburser's~~ ~~Ex-Gratia/Exgg/80. dt 10.87.~~ ~~Sayamdhik - Deka,~~

portion and Ex-Gratia holder's portion) in favour of Shri/Smti ~~Sayamdhik - Deka,~~
~~W/o late Nema Ram Deka, Ex-Gratia/Exgg/80.~~
alongwith two copies of photographs, specimen signature of the Ex-Gratia holder, descriptive rail non-remarriage certificate and sanction memorandum and application for credit of Ex-Gratia Rs. ~~150/-~~ ~~Rupees one hundred fifty~~ ~~Rs. 20/- w.e.f. 1.10.87 to 31.12.87 Rs. 27/- w.e.f. 1.10.87 to 30.6.88 (Rs. 35/- p.m. w.e.f. 1.7.88.~~
and Relief Rs. ~~Up to 30.6.88 (Rs. 35/- p.m. w.e.f. 1.7.88.~~
Onward ~~as an admissible from time to time~~

per month in his/her S.B. Account No. ~~Exgg/80. D/28/2650~~ through your
paying Branch at ~~587/ Raha~~

w.e.f. ~~14.10.87.~~ till his/her death

or re-marriage whichever is earlier.

Details are embodied in the Ex-Gratia Payment Order itself.

Kindly acknowledge receipt. ~~AMC Correcting~~ ~~stamped~~
Countersigned

Designated FA & CAO
Copy for information to :

1. CPO/Budget/N. F. Railway/Lumding

2. F.A. & CPO/N. F. Rly. Maligaon.

3. ~~Shri/Smti Sayamdhik Deka~~

4. ~~Shri/Smti~~

He/She is requested to appear before Paying Branch of the Bank on receipt of advice from the Branch Manager.

5. Branch Manager ~~State Bank of India/ Raha~~

for information. He is requested to advise Ex-Gratia holder and credit Ex-Gratia amount in his/her Saving Account No. ~~2103. D/28/2650~~

* Vill 2 P.O. - Panigamari

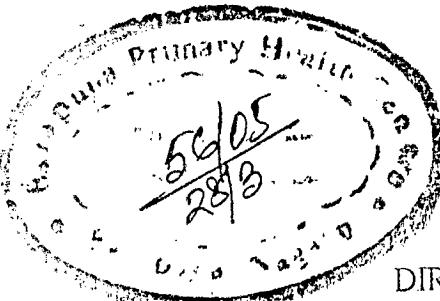
Pin - 782425 Dist. Nagam.

(Deka).

for Divisional A/Cs Officer
N. F. Railway, Lumding
Pin - 782 447

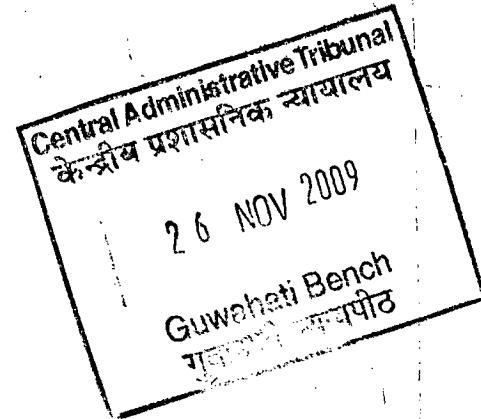
Annexure 2

Form No. 6
ফর্ম নং - ৬



Sl. No. 0071023
ক্রমিক নং

GOVERNMENT OF ASSAM
(অসম চৰকাৰ)
DIRECTORATE OF HEALTH SERVICES
(স্বাস্থ্য সেৱা সঞ্চালকালয়)
CERTIFICATE OF DEATH
(মৃত্যুৰ প্ৰমাণ পত্ৰ)



ISSUED UNDER SECTION 12/17 of the Registration of Birth and Deaths Act, 1969.

(জন্ম আৰু মৃত্যুৰ পঞ্জীয়ন আইন ১৯৬৯ ৰ ১২/১৭ অংশত লিপিবদ্ধ)

This is to Certify that the following information has been taken from the original record of Death
which is in the register for..... Death..... Registration
unit Barapukhia of District Majuli of the State of Assam.

ইয়াৰ দ্বাৰা প্ৰমাণিত কৰা হয় যে নিম্ন লিখিত তথ্য অসম ৰাজ্যৰ জিলাৰ থণ্ডৰ/
পৌৰসভাৰ মৌজাৰ অন্তৰ্গত গোটোৰ পঞ্জীৰ মূল অভিলেখৰ পৰা সংগৰ্হীত
কৰা হৈছে।

Name/নাম late Jayadev Deka.
Sex/লিঙ্গ Female
Date of Death/মৃত্যুৰ তাৰিখ 02-3-05
Place of Death/মৃত্যুৰ স্থান Pub Bazaar
Registration No./পঞ্জীয়ন নং 56/05
Date of Registration No./পঞ্জীয়ন তাৰিখ 28-3-05
Name of Father/Mother/Husband late Hema Ram Deka.
(পিতৃ/মাতৃ/স্বামীৰ নাম)

Signature of issuing authority /

জাৰী কৰা কৰ্তৃপক্ষৰ চৰ্তা

Designation /পদবী

Date/তাৰিখ 28-3-05

Seal/মোহৰ

No disclosure shall be made of particulars regarding the cause of death as entered in the Register. See proviso to Section 17 (1)

*Certified to be true
M-Dev
Asstt*

TO

The Divisional Rly. Manager (P)
M. F. Railway, Lumding.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक चायालय

26 NOV 2009

SUB : PRAYER FOR GRANTING THE EX-GRATIA PENSION
INSTEAD OF MY MOTHER, LATE SAYANDHI DEKA,
EX-GRATEA PENSIONER NO. LMG/PBN/EX-GRATEA/
ENGG/80 OF 7-9-89 SAVINGS BANK A/C NO.
D/28/2650 RAHA, STATE BANK OF INDIA.

Sir,

With due respect, I beg to state the following few lines for favour of your kind consideration and sympathetic order.

That Sir, my mother Late Sayandhi Deka W/O Late Hema Ram Deka who was an Ex-g/man/under P.W.I/ JID/ had been receiving ex-gratea pension regularly till 2004 and the last payment was drawn by her on 9-11-04. My Mother has been expired on 2-3-1005 due to her old age.

That Sir, I have three brothers and they have been separated from me after their marriage. Since then, I was living with my mother with the little amount of the pension.

That Sir, I have not been married yet and no desire for future marriage due to my old age. Now, on my part it is become very difficult to alive after my mother's death.

Therefore, I pray your kind honour to pay me the Ex-gratea pension instead of my mother for which act of your kindness, I shall be ever grateful to you.

Yours faithfully,

Miss Jili Deka

(MISS JILI DEKA)

VILL. & P.O. PUB-GUIMARI

P.S KAMPUR,

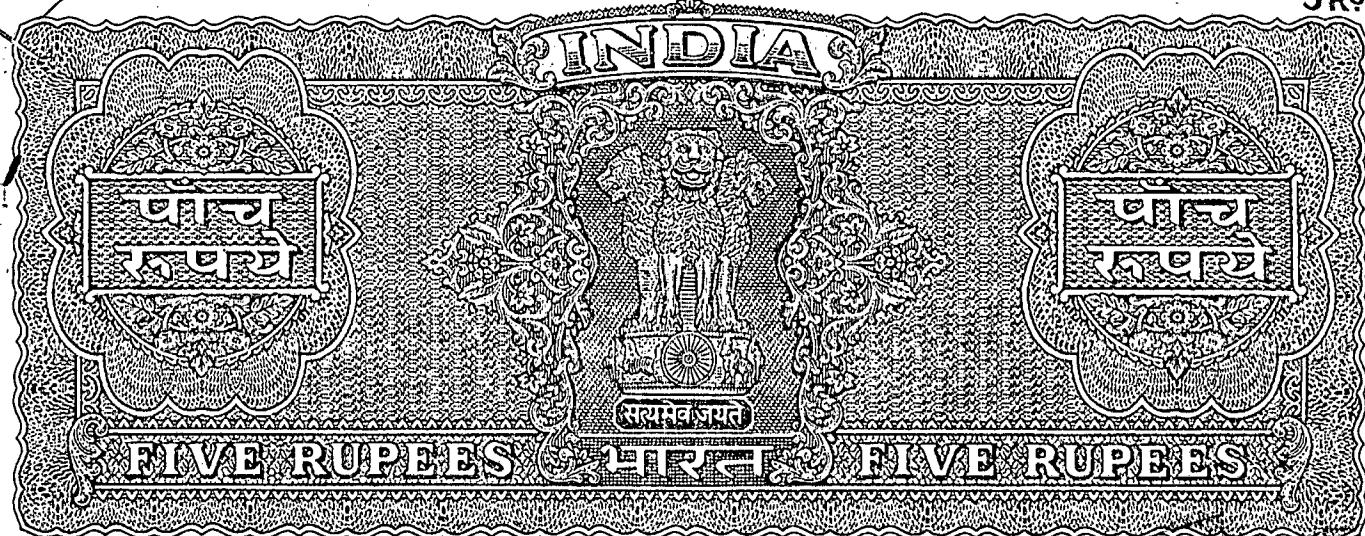
DIST.NAGAON : ASSAM.

PIN-782425.

NB- An affidavit in this connection is submitted along with the application.

Certified to be true
H. S. Deo
Advocate

25/10/05



S/A & declared
before me by the
deponent who is
identified by:

: AFFIDAVIT:

Sri Jagadish Deka
Advocate, Nagaon.



Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

26 NOV 2009

Guwahati Bench
গুৱাহাটী ন্যায়পুর

I, Miss Jili Deka D/o Late Hema Ram Deka resident of village and P.O. Pub Guimari, Mouja Jarabari, P.S. Kampur, in the district of Nagaon, Assam, do hereby solemnly affirm and declare as follows:-

1. That my present age is 37 years. This is true to the best of my knowledge, belief and information.

2. That my mother Lt. Sayandhi Deka wife of late Hema Ram Deka was expired on 2-3-05 at Pub Guimari in our residence due to her old age. This is true.

3. That my mother died leaving behind the following near relations of my mother at the time of death-

i) Shri Phatik Ch. Deka age 40 years, son (married living separately)

ii) Miss Jili Deka age 37 yrs. Unmarried daughter, (Deponent)

iii) Sri Astom Deka age 35 yrs. son (married living separately).

iv) Sri Krishna Kanta Deka age 33 yrs. (married living separately.)

This is true.

4. That my mother was an Exgvatia pensioner and her pension sanctioned No. LMG/PEN/Ex gratia/Engg/80 dated 7-9-89 and she drawn her pension through the State Bank of India Raha branch saving bank a/c no. D/28/2650 and the last payment of pension was drawn on 9-11-04. This is true to the best of my knowledge, belief and information.

Contd...2

Certified to be true
S. No.
Advocate



Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

9/2/2005

Guwahati Bench
गुवाहाटी न्यायपीठ

5. That during the life time of my mother I was living with my mother till her death as I am an unmarried girl and now I have no desire for future marriage as I grew old. This is true.

6. That I being the unmarried daughter am entitled to the grant of Exgratia pension of my mother since her death. This is true.

7. That I swear this affidavit in support of my above statement to submit an application for the pension of my mother. This is true.

Magistrate's stamp
Nagaon, Assam

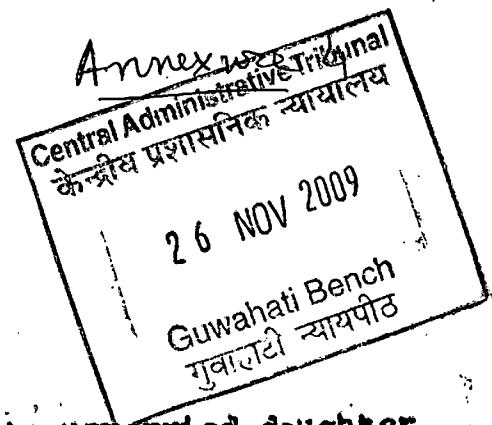
Verification



I, Miss Jili Deka do hereby solemnly affirm and declare that the statements made above are true to the best of my knowledge, belief and information, knowing them to be true I put my hand under the verification on this the 15th day of March, 2005 at Nagaon court.

Miss Jili Deka

Deponent



To,
The Divisional Railway Manager,
N.F. Railway, Lumding.

Sub:- Prayer for granting of pension to unmarried daughter
of Late Sayandhi Deka, Pensioner No. LMG/PEN/Ex-
gratia/ ENGG/80 dt. 10/7/89.

Ref: My representation dated 25/4/2005.

sir,

With reference to the above cited subject, I beg to
lay the following few lines for favour of your kind consider-
ation and sympathetic order.

That sir, my mother Late Sayandhi Deka was granted pension
vide No. LMG/PEN/Ex- gratia/ Engg/ 80 dated 10/7/1989 subsequent
to the death of my father Late Hema Ram Deka, Ex./ C- man/jid.

That Sir, my mother Late Sayandhi Deka somehow managed
her livelihood with the monthly pension granted by your good-
self and being an unmarried daughter I took the responsibili-
ty to look after my old mother. All of my three adult
brothers have separated from my mother during her life time
making their livelihood. On my part, I have not been married
and I have no desire for future marriage. Now I am about
41 years old.

That Sir, my mother Sayandhi Deka expired on 2/3/2005
due to old age ailment and after her death I am quite help-
less and facing great difficulties to make my livelihood
having no other source of income.

That sir, being an unmarried daughter of my parents
I consider it legitimate to apply for monthly pension subse-
quent to the death of my pensioner mother and accordingly
submitted representation dated 25/4/2005. Praying for
granting .. pensionary benefit. It is understood that provisions
have been made by the Govt. of India for granting of pensionary
benefits to unmarried daughter irrespective of age limit.

Certified to be true.

H. D. D.
Advocate

Contd.....2

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I, therefore, pray your honour kindly to consider my case favourably and to grant monthly pension payable to me after the death of my pensioner mother at an early date and oblige.

Date 29.5.09

Yours faithfully,

Miss Jili Deka.
(Miss Jili Deka)
Vill. & P.O. Pub- guimari
Via Chaparmukh,
Dist. Nagaon ,Assam,
Pin- 782425.

Ministry of Personnel, P.G. & Pension
Department of Pension & Pensioners' Welfare

Annexure - 5

Lok Nayak Bhawan,
Khan Market, New Delhi
Dated: 6th September 2007

OFFICE MEMORANDUM

Subject: Extension of scope of family Pension to unmarried daughters of Central Government servants/ pensioners.

The undersigned is directed to say that as per existing provisions under clauses (ii) and (iii) of sub-rule (6) of Rule 54 of the C.C. S. (Pension) Rules, 1972, read with para 7.2 (b) of this Department's O.M. No. 45/86/97-P&PW (A)-Part I dated the 27th October 1997, son/daughter including widowed/ divorced daughter is eligible for grant of family pension till he/ she attains the age of 25 years or upto the date of his / her marriage/ remarriage, whichever is earlier subject to income criterion laid down in this Department's O.M. No. 45/51/97-P&PW(E) dated the 5th March 1998 which stipulates that a son/ daughter, including widowed/ divorced daughter, shall not have an income exceeding Rs. 2550/- per month from employment in Government, the private sector and self employment, etc., to be eligible for family pension. Orders were also issued vide this Department's O.M. No. 45/51/97-P&PW (E)(Vol.II) dated 25th July 2001 regarding eligibility of disabled divorced/ widowed daughter for family pension for life subject to conditions mentioned therein. Further, orders were issued for making the widowed/ divorced daughter eligible for family pension vide this Department's O.M. of even number dated 25th August, 2004.

2. The Staff Side of National Council (JCM) had raised the issue of extension of scope of family pension to unmarried daughters of the Government servants/ Pensioners even after attaining the age of 25 years at par with the widowed/ divorced daughters, which has been agreed to in principle. It has, accordingly, been decided that the unmarried daughters beyond 25 years of age shall also be eligible for family pension at par with the widowed/ divorced daughters subject to other conditions being fulfilled. Grant of family pension to unmarried/ widowed/ divorced daughters shall be payable in order of their date of birth and younger of them will not be eligible for family pension unless the next above her has become ineligible for grant of family pension. It is further clarified that family pension to unmarried/ widowed/ divorced daughters above the age of 25 years shall be payable only after the other eligible children below the age of 25 years have ceased to be eligible to receive family pension and that there is no disabled child to receive the family pension.

3. This issues with the concurrence of the Ministry of Finance, Department of Expenditure vide their U.O. No. 380/E.V/2006 dated 05.01.2007.

4. These orders, in so far as their applicability relates to the employees of the Indian Audit and Accounts Department, are being issued in consultation with the Comptroller and Auditor General of India, vide their U.O. No. 56 Audit (Rules)/12-2007 dated 22.05.2007.

(M. P. Singh)
Director

To:

All Ministries/ Departments of the Government of India.