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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI - 5

(DESTRUCTION OF RECORD RULES, 1990)

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B.D. 10/07/2015
SECTION OFFICER (JUDL.)

✓ 4.7.2015

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

1. Original Application No. 10/09
 2. Misc Petition No. /
 3. Contempt Petition No. /
 4. Review Application No. /

Applicant(S) Abhimanya Tanti VS- Union Of India & Ors

Advocate for the Applicant(S) Monoranjan Das, S. Naik

Advocate for the Respondent(S) Abul CGSC, Md. M. Das

Notes of the Registry

Date

Orders of the Tribunal

05.02.2009

Arjun Tanti was holder of Pension vide PPO No.CA-12353. On his death, life time arrear pension was released in favour of his widow Sushama Tanti. After introduction of Family Pension Scheme, said widow Sushama Tanti was entitled to Family Pension. She applied for the same after a long lapse of time. But, before sanction of Family Pension in her favour, she died and the children of said Late Arjuna & Late Sushama Tanti, produced the required papers (as sought for by the Respondent Postal Department) claiming arrears of life time Family Pension payable to their mother Late Sushama Tanti. By his communication dated 04.02.2008, the Senior Superintendent of Post Offices of Cachar Division (Respondent No.4) informed as under.

Steps taken with
envelope. Copy served.
No list or date.

Q.M.
27/09

"The General Manager (PA&F), Kolkata has intimated that there is absolutely no scope to initiate any action towards settlement of the life time arrear claim of late Sushama Tanti. This is for favour of your information."

J Contd...

Contd.
05.02.2009

2. The reason(s), for which the claim has been turned down by the General Manager (PA&F), Kolkata, has not been disclosed in the aforesaid communication dated 04.02.2008 of the Senior Superintendent of Post Offices/Cachar (Respondent No.4) nor the copy of the intimation from the General Manager (PA&F), Kolkata, was enclosed with the said communication dated 04.02.2008 of the Senior Superintendent of Post Offices/Cachar.

3. This Original Application filed under Section 19 of the Administrative Tribunals Act, 1985 is directed against the aforesaid rejection order dated 04.02.2008.

4. Since the rejection order dated 04.02.2008 is bereft of any reason, the same is, *prima-facie*, not sustainable.

5. In the above premises, notices be issued to the Respondents requiring them to file their written statement by 30.03.2009.

6. Respondents should file a copy of the intimation [by which the General Manager (PA&F), Kolkata, Respondent No.5 intimated that there were no scope to intimate any action for settlement of the life time arrear claim of Family Pension in favour of Late Sushama Tanti] basing on which the order under Annexure A-18 dated 04.02.2008 was issued by the Senior Superintendent of Post Offices/Cachar (Respondent No.4) and supply

~~Confd...~~

Received copy

Usha Das

Addl. C.H.S.C
18/6/09

Contd.
05.02.2009

Dt. 5.2.09

Pl. send copies of this order to the Applicant and all the Respondents & notices.

also free copies of this order to the applicant to Mr. M.R. Das, learned counsel for the Applicant and to Ms. Usha Das, Addl. C.S. & sc

MSR

a copy of the same to the Applicant/Advocate for the Applicant, without any waste of time, before the next date/30.03.2009.

7. Send copies of this order to the Applicant and all the Respondents (along with the notices) and free copies of this order be also supplied to Mr. M.R. Das, learned counsel appearing for the Applicant and to Ms. Usha Das, learned Addl. Standing Counsel; to whom a copy of this O.A. has already been supplied.

Y
05/02/09
(M.R.Mohanty)
Vice-Chairman

Copies of Notice &
Order dt. 05-02-09
Sent to B/Section
Bds issuing to the
Respondent by
Regd A/c post
Free copies handed
over to the both
Counsel for the
party

/bb/

30.03.2009 No written statement has yet been filed by the Respondents in this case.

Call this matter on 18.05.2009 awaiting written statement from the Respondents.

Send copies of this order to the Respondents in the address given in the O.A.

Y
(M.R.Mohanty)
Vice-Chairman

① Service report
awarded.

27.3.09

/bb/

COPY of order dt.
30.3.2009 is prepared
& send to B/Section for
issuing to the Respondent by
post.

08.05.2009 No written statement has yet been filed by the Respondents.

Call this matter on 12.06.2009 awaiting written statement from the Respondents.

Y
(M.R.Mohanty)
Vice-Chairman

lm

Notice duly served on
R-2,

27.4.09 N/S not filed.

7.11.09

18.5.09

- 4 -

O.A. No. 10 of 09

N/S filed
by the Respondents
through their Addl.
Miss U. Das, learned
Counsel, Copy served
on the 12.06.2009 Mr. M.Das, learned counsel
for the Applicant is present. He
undertakes to file rejoinder from the
Applicant in course of the day.

K.Das

Send copies of this
order to the Respondents
urgently.

15/6/09

Call this matter on 23.07.2009 for further
hearing.

16.6.09

Rejoinder filed
by the Applicant
in the Court on 12.6.09
Copy served.

16/6/09

Send copies of this order to
the Respondents, who should cause
production of records specified of
our order dated 5.2.2009 rendered
in this case by the next date.

Call this matter on

23.07.2009; when the learned Addl.

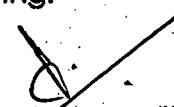
Standing Counsel should cause
production of records, called for by
our order dated 05.02.2009.


(M.R. Mohanty)
Vice-Chairman

23.07.2009

Heard Mr. Manoranjan Das, learned counsel
appearing for the Applicant and Ms. Usha Das,
learned Addl. Standing counsel for the
Respondents in part and perused the materials
placed on record.

Call this matter on 04.08.2009 for further
hearing.


(M.K. Chaturvedi)
Member (A)


(M.R. Mohanty)
Vice-Chairman

/bb/

22.7.09

The case is ready
for hearing.

3.8.09

O.A.10/09

The case is ready
for hearing.

21-8-09

04.08.2009 Heard further in part. Call
this matter on 24.08.2009.


(M.K.Chaturvedi)
Member(A)


(M.R.Mohanty)
Vice-Chairman

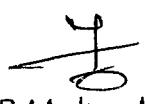
pg

24.08.2009

Heard Mr. Manoranjan Das, learned counsel appearing for the Applicant and Ms. Usha Das, learned Addl. Standing counsel representing the Respondents in full and perused the materials placed on record.

For the reasons recorded separately, this case is allowed. No costs.


(M.K.Chaturvedi)
Member (A)


(M.R.Mohanty)
Vice-Chairman

4/9/09

/bb/

Copy of Judgment
order dtd. 24/8/09
send to the D/section
for issuing to the Applicant
and Resps by Regd. post.

Free copies of both side
standing counsels by hand.

D/No. 1007 to 1009
dtd 1013
7.9.09

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

O.A No. 10 of 2009

Dated 24.08.2009

Sri Abhimanya Tanti

Applicant

By Advocate Mr. M.Das

Versus

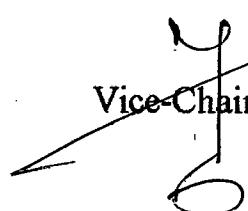
The Union of India & others

Respondents

By Advocate Ms. U. Das, Addl. C.G.S.C.

Present: The Hon'ble Mr. Manoranjan Mohanty, Vice-Chairman
The Hon'ble Mr. M.K. Chaturvedi, Administrative Member

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
4. Whether to be forwarded to other Benches? Yes/No


Vice-Chairman/Administrative Member

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI
O.A.No.10 of 2009**

This the 24th day of August 2009

Present: The Hon'ble Mr. Manoranjan Mohanty, Vice-Chairman
The Hon'ble Mr. M.K. Chaturvedi, Administrative Member

Sri Abhimanya Tanti,
S/o Late Arjun Tanti,
Resident of Village-Chengduar,
PO-Noonpani,PS-Silchar,
District-Cachar,
Assam

Applicant

By Advocate Mr. M. Das

Versus

1. Union of India,
represented by the Secretary,
Govt. of India, Ministry of Communication,
Department of Post,
Parliament House,
New Delhi-110 001.
2. Director General,
Department of Post, Dak Bhawan,
Sansad Marg,
New Delhi-110 001
3. The Chief Postmaster General.
Assam Circle, Meghdoot Bhawan,
Guwahati-781 001
4. The Senior Superintendent of Post Offices,
Cachar Division,
Silchar-788 001.
5. The General Manager (PA & F)
West Bengal Postal Circle,
P-36, C.R. Avenue,
Kolkata-700069

Respondents

By Advocate Ms. U.Das, Addl. C.G.S.C.

ORDER
O.A.No.10 of 2009
24.08.2009

Manoranjan Mohanty, Vice-Chairman:-

Claiming life-time arrear Family Pension of his mother, the Applicant has filed this case; in which a written statement has been filed on behalf of the Respondents. Applicant has also filed a Rejoinder in this case. At the hearing,

a Departmental File has also been produced on behalf of the Respondents. Perusal of all the materials placed on record reveals as under.

2. Arjun Tanti was "Runner" of Dwarband Line of Cachar Postal Division. On his retirement from service, he was granted pension vide Pension Payment Order (in short 'PPO') No.CA 12353. Said pensioner expired on 27.03.1964 leaving behind his widow (Sushama Tanti), a daughter (Fulkumari Tanti) and sons (Ananta Tanti & Abhimanya Tanti). On his death, life-time arrear pension (amounting to Rupees 37.74 paise) of Arjun Tanti was released in favour of the above named four family members. The text of the order dated 06.08.1964 of the Superintendent of Cachar Postal Division (by which life-time arrear pension was asked to be released in favour of the widow of pensioner Late Arjun Tanti) is extracted below:-

**"INDIAN POSTS AND TELEGRAPHS DEPARTMENT
OFFICE OF THE SUPERINTENDENT OF POST
OFFICES, CACHAR DN.**

Memo No.C3-2/64-65 Dated, Silchar, the 6th August, 1964

Sanction is hereby accorded to the payment of a sum of Rs.37.74 n.P. (Rupees Thirty seven & n.P. seventy four) only being the arrear pension for the period from 1-2-64 to 27-3-64 @ 20'19 n.P. due to late Arjun Tanti, Ex-runner, Dwarband line and holder of PPO No.CA 12353 who died on 27.3.64, to his wife Shrimai Sushama Tanti, Changduar, Chatla P.O. Chibitabichia (Cachar) on behalf of the following minor sons and daughter of the deceased pensioner:-

1. Shrimati Fulkumari- Tanti-Minor- Daughter of the deceased.
2. Shri Ananta Tanti-Minor-Son of the deceased.
3. Shri Abimanya Tanti-Minor-Son of the deceased.

Sd/- H.Chakravarty.
Superintendent.

Memo No.C3-2/64-65 Dated, Silchar, the 6th August, 1964

Copy forwarded to:-

- (1) The Postmaster Silchar with reference to his No.B6/Payment/Arjun Tanti dated 3-8-64 for causing payment to the party concerned under intimation to

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this office. After making payment both halves of the PPO and other necessary documents should be sent to the Audit Office as usual.

- (2) The Director, Audit and Accounts, P&T Calcutta (Through the Postmaster Silchar).
- (3) Shrimati Sushama Tanti, wife of Late Arjun Tanti, Changdur, chatla, P.O. Chibitabichia, Dt.Cachar.
- (4) Spare.

Superintendent”

3. Under the above noted order dated 06.08.1964, PPO in question and other papers were asked to be sent to Audit Office/Calcutta after disbursement of the life-time arrear pension in question. Thus, while drawing the said arrear pension, the widow (Sushama Tanti) surrendered the PPO (of her husband) with the Postmaster of Silchar. No Family Pension having been sanctioned in favour of her, the widow/Sushama Tanti remained without Family Pension.

4. Govt. of India in the Ministry of Personnel & Training issued Office Memo [No.(11)/85-Pension Unit] on 18.06.1985 extending life-time Family Pension Benefit to the families of all those who retired on or before 31.12.1963 with effect from 22.09.1977. Since Arjun Tanti retired before 31.12.1963, his widow (Sushama Tanti) became eligible to get Family Pension with effect from 22.09.1977. But such social security benefit of Govt. of India was not made available to the widow/family of Late Arjun Tanti (who retired & drew pension prior to 31.12.1963 and died on 27.03.1964 as a pensioner) apparently, for the reason of her/their ignorance about Govt. of India decision. Office Memo dated 18.06.1985 of Govt. of India is extracted herein below:-

“Extension of Family Pension to those borne on Pensionable Establishment but not covered earlier by Family Pension Scheme

[Government of India, Min. of Per. & Trg.,
O.M. No.1(11)/85-Pension Unit, dated the 18th June, 1985]

There are at present two Family Pension Schemes (1950 and 1964) incorporated in Rule 54 and 55 of the

C.C.S. (Pension) Rules, 1972. The 1950 Scheme was of a restricted nature. In accordance with the provisions of Rule 54 of the Central Civil Services (Pension) Rules, 1972, Family Pension Scheme, 1964, applies:-

- (a) to a Government servant entering in a pensionable establishment on or after the 1st January, 1964; and
- (b) to a Government servant who was in service on the 31st December, 1963, and came to be governed by the provisions of the Family Pension Scheme for Central Government Employees, 1964, contained in the Ministry of Finance, Office Memorandum No.9 (16)-E. V(A)/63, dated the 31st December, 1963, as in force immediately before the commencement of these rules.

2. Initially, the Family Pension Scheme, 1964, was a contributory one and employees eligible for the benefits of the Scheme were required to contribute two months emoluments out of the D.C.R.G. However, with effect from 23-9-1977, this pre-condition was done away with.

3. A section of widows of erstwhile Government servants who were not covered by the Family Pension Scheme, 1964, had filed writ petitions (Nos. 5870-93/81, 13181/84, 8446-51/83, 1001/84 and 12707/84 with Civil Appeal No.2225/85) in the Supreme Court of India claiming that the benefits of the Scheme may also be extended to them.

4. During the hearing of these petitions, the Government of India made a statement on 15-4-1985 before the Court, on their own, indicating as to what extent they would be prepared to accept the claim of the widows. Keeping in view the statement filed by the Government and clarifications subsequently given, the Supreme Court of India has delivered its judgment on 30th April, 1985, extending with effect from 22-9-1977, the benefits of Family Pension Scheme 1964 to the families of those Government servants who were/are borne on pensionable establishment and are presently not covered by the Scheme, namely, the families of those Government employees who retired/died before 31-12-1963, and of those who were alive on 31-12-1963, but who opted out of the 1964 Scheme.

5. The President has, accordingly, been pleased to decide that:-

- (a) the benefit if Family Pension Scheme, 1964 may be extended to all the eligible members of the

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family in accordance with the provisions of Rule 54 of the C.C.S. (Pension) Rules, 1972;

(b) all the eligible persons, including dependants, shall be allowed the increased pension rates as introduced from 1-1-1973;

(c) the arrears of family pension may be granted with effect from 22-9-1977 (the date on which contribution of two months' emoluments by pensioners was dispensed with) or from a subsequent date they become eligible for family pension, whichever is later. The benefit will also be available in cases where the death of the pensioner occurs hereafter;

(d) persons who are now to be granted the benefit of family pension will not be required to contribute two months' emoluments. Similarly, no demand for refund of contribution already made by pensioners will be entertained by the Government; and

(e) life-time arrears of family pension would also be payable in respect of widows/eligible members of the family of the deceased Government employees who were alive on 22nd September, 1977 and who died subsequent to this date, for the period from 22-9-1977 to the date of death.

6. It has also been decided that in addition to the family pension, dearness relief on family pension sanctioned from time to time shall also be admissible.

7. The respective Heads of Department/Office or other authorities who are competent to sanction family pension may compute the family pension including dearness relief in terms of the provisions of this Office Memorandum with effect from 22-9-1977 or from a later date from which the family pension is admissible and sanction payments.

8. The eligible members of the family would have to apply for family pension to the Head of Office from which the Government servant retired. In case a Department has been abolished or merged with another Department, the family pension would have to be processed and sanctioned by the office in which the parent Department of the retired Government servant is merged or the Office which is keeping the records of the abolished office. The application for family pension should be made in the attached form. The Head of Office/Department would verify the particulars, compute the family pension including dearness relief as prescribed in the previous para. and send the application, etc., to the 'Accounts Officer' which means the authority who originally issued Pension Certificate/Pension Payment Order, viz. *[Signature]*

Accountant-General, Director of Audit, Pay and Accounts Officer, etc., as the case may be.

9. The applicant will have to satisfy the Head of Office that she/he is widow/widower or eligible child of the Government servant concerned, and establish identity by production of relevant document viz. the P.P.O. of the late Government servant, wherever is possible. The family pension/revised family pension would be authorized for payment by the Accounts Officer, as defined in the previous para. on receipt of papers from the Head of Office/Department from which the Government servant retired. Further, since the entitlement of family pension in accordance with the provisions of this Office Memorandum would initially be worked out by the Head of the Office/Department which the pensioner last served at the time of retirement or death, it would also be the responsibility of the Head of the Office or Department to determine the beneficiary who would be entitled to receive payment of life-time arrears, mentioned in para. 5(e) of this O.M.

10. The family pension may be paid through Pension Disbursing Authority/Authorised Public Sector Banks/Post Office, as may be desired by the family pensioner concerned.

11. These orders do not apply to Railway employee, persons paid from Defence services Estimates and the members of the All India Services, separate orders in respect of whom would be issued by the respective Ministries."

5. On the other hand, the widow/family of said Late Arjun Tanti (apparently being ignorant of existence of such a benefit being available to them) applied for such a benefit only on 11.01.2001 to the Senior Superintendent of Post Offices of Cachar Division at Silchar. On 02.07.2001, the widow (Sushama Tanti) again approached the Authorities (through her Advocate) seeking family pension; which was received in the office of the SSPO/Cachar on 03.07.2001.

6. By a communication dated 06.07.2001, the Senior Superintendent of Post Offices of Cachar Division at Silchar asked said widow (Sushama Tanti) to provide details of service particulars and to submit the PPO Book of her

husband (Arjun Tanti) for further action. Text of the said letter dated 06.07.2001 (a copy of which has been placed as Annexure-A/4 to the OA) reads as under:-

“DEPARTMENT OF POSTS

From

Senior Supdt. of Post Offices,
Cachar Division: Silchar-788001

To

Smt. Sushama Tanti
W/o Late Arjun Tanti
Ex Runner Dwarbond Line
Vill-Chengduar basti
BPO Nunapam BO Bayala

No.C2-Pension/Misc/ Dated at Sc. the 6-7-2001

Sub: Family Pension case of Smt. Sushama Tanti W/o
Late Arjun Tanti Ex Runner Dwarbond.

On receipt of your claim application regarding the above you are requested to submit PPO book of late Arjun Tanti (Husband) to this office. A details of service particulars may also please be intimated to this office for further action.

Sd/-

Senior Supdt. of Post Offices
Cachar Division:Silchar-788001

Copy to

- (1) The Sr. Post Master Silchar HO for information & he is requested to send office copy of P.P.O. of late Arjun Tanti if available, a pensioner of your office who died on 27.3.1964.
- (2) The Inspector of Pos Silchar West Sub Dn. Silchar for information.

Sd/-

Senior Supdt. of Post Offices
Cachar Division:Silchar-788001”

7. On 10.07.2001, the SSPO/Cachar/Silchar asked the Inspector of PO/Silchar West to collect all details.

8. On 11/16.07.2001, whatever information was available with the widow (Sushama Tanti) were made available (by her, in writing) to the authorities

with prayer to grant her Family Pension; relevant portion of which reads as under:-

“(1) The concerned PPO Book No.CA 12353 of Late Arjun Tanti (husband) was with me till to the date of payment of the arrear of pension due to the deceased and it was made over to the Postmaster Silchar HPO at the time of taking payment of the sum of Rs.37.74 as sanctioned vide his Memo No.03-2/64-65, Dtd. Silchar, 6th August, 1964 by Superintendent of Post Offices’ Cachar Dn, Silchar.

(2) The details of service rendered by the deceased to the Department cannot be furnished but it can be rightly mentioned here that the deceased husband during his service life he worked at Aizawl, Monacherra and Dwarbond as Class IV staff and he retired, as I recollect from the post of Runner Dwarbond line and died while he was a pensioner on 27/3/1964.”

9. The widow/Sushama Tanti submitted another representation on 21.08.2002 to Deputy Director General (Pension)/New Delhi seeking his intervention in the matter.

10. In the meantime, on 26.09.2001, SSPO/Cachar asked Sushama to furnish a copy of the above said Sanction Order dated 06.08.1964 and Sushama furnished the same on 16.01.2002. On 22.01.2002, SSPO/Cachar asked the Inspector of PO/Silchar West to submit claim papers from Sushama. On 08.03.2002, IPO/Silchar West submitted some papers. SSPO/Cachar, however, wanted more details in his letter dated 18.03.2002. Reminders were sent to IPO/Silchar West on 12.12.2002 and on 24.07.2003. On 12.08.2003, the Inspector of Post Offices/Silchar West furnished materials (to the SSPO/Cachar) for working out pension and, on 18.08.2003, the SSPO/Cachar forwarded the papers to Sr. Accounts Officer of the office of the General Manager (PA & Finance)/Kolkata for an early settlement of the long pending case. The text of the said letter dated 18.08.2003 reads as under:-

"No.C2-Peson/Misc.

Dated at Silchar the 18-

8-03

Subject: Family Pension – case of Smti. Sushama Tanti,
W/o Late Arjun Tanti, Ex.Runner, Dwarbond Line
who expired on 27-03-1964.

Ref: PPO No.CA-12353

Arjun Tanti, Ex. Runner, Dwarbond Line and
holder of P.P.O. No.CA 12353 expired on 27-3-1964. His
wife, Smti. Sushma Tanti has applied for family Pension.

The following documents are enclosed for early
settlement of the long pending case.

- (1) Form -14 & 18.
- (2) R.T.I. of Smti. Sushma Tanti.
- (3) Descriptive Roll of Smti. Sushma Tanti.
- (4) Family Stt. Of Smti. Sushma Tanti.
- (5) Photo copy of identification & residential
certificate issued by the President, Digarsrikona
Alambag GP.
- (6) Photo copy of the affidavit Dt.7/7/03.
- (7) Declaration Smti. Fulcumari Tanti, daughter and
Sri Abhimunya Tanti, son.
- (8) Application of Smti. Sushma Tanti.
- (9) Affidavit Dt.11/7/01.
- (10) Three copies photograph of Smti. Sushma Tanti.

Enclo. As above.

Sd/-

Senior Supdt. Of Post Offices
Cachar Division: Silchar 788001

Copy forwarded to Smti. Sushma Tanti, W/o Late Arjun
Tanti, Vill.Chengduar basti, BPO Nunapani, Via
Barjaknga Dist. Cachar for information. She is requested
to send the death certificate of Late Arjun Tanti.

2. the Sr. Postmaster, Silchar H.O. for information w.r.t.
his No.B1/Pension/2001 Dt.3/7/01. He is requested to
send the office copy of P.P.O. of Late Arjun Tanti.

Sd/-

Senior Supdt. of Post Offices
Cachar Division: Silchar-788001"

11. AO/Kolkata wrote the following long letter (to SSPO/Cachar) on
05.11.2003;-

"OFFICE OF THE GENERAL MANAGER (POSTAL
ACCOUNTS AND FINANCE)

WEST BENGAL POSTAL CIRCLE, KOLKATA

No.Pen-I/Misc/FP/SC/Smt. Sushma Tanti/2003 /P-6973
 Dated 05/11/03.

To

The Sr. Superintendent of Post Offices,
 Cachar Division,
 Silchar-788 001.

Sub: Claim for family pension case of Smt. Sushma Tanti stated to be the w/o Late Arjun Tanti, Ex-Runner, Dwarlund Line holder of PPO NO CA-12353 and reported to have expired on 27.03.64.

Responding to your letter no.C2-Pension/Misc dated 18/08/03 on subject captioned above it is stated here that documents forwarded for favour of authorizing family Pension in favour of Smt. Sushma Tanti stated to be the w/o Late Arjun Tanti is not in conformity with the codified provisions of CCS(Pension) Rules.

Since Sri Arjun Tanti, Ex-Runner retired well before 1964 (i.e. prior to implementation of New Family Pension Scheme) and was recipient in the shape of Pension being holder of PPO No CA – 12353, reported to have been demised on 27.03.1964-Claim for Family Pension in the instant case should have to be considered in accordance with the judgment of Hon'ble Supreme Court vide GIOM No.1(11)/85-Pension Unit dated 18.6.85 but not in terms of New family pension scheme-introduced from 01.01.64. Accordingly, the documents forwarded in support of claim in respect of Smt. Sushma Tanti followed by administrative sanction in Form-'18' will not serve the purpose and in lieu of that the following documents are absolutely necessary for further course of action.

(1) Claim application in prescribed proforma as required under GIOM dated 18/6/85.

(2) Administrative sanction in Annexure-'I' as required under GIOM ibid.

(3) Documentary evidence regarding genuineness of the claimant.

(4) Both halves of PPO bearing No.CA 12353.

(5) In case of non-availability of any records/documents one of the following documents may be produced for establishing genuineness of the claimant:-

a) Succession Certificate from a Court, or

c) Affidavit of the claimant on a plain paper supported by any two documents which may be acceptable to the Head of the Department/Pension Sanctioning Authority.

The reasons for such belated claim preferred by the claimant almost after expiry of 40 years of the pensioner and acceptance thereof by the Pension sanctioning authority for onward transmission to the PAO, Kolkata authorizing family pension to the claimant without producing certificate of genuineness of the claimant may please be intimated to this end.

This is for your information and follow up action up as proposed.

Sd/-

(T.R. CHAKROBORTY)
Accounts Officer/Pension-I Section"

12. On receipt of the above letter dated 05.11.2003 from AO/Kolkata, the SSPO/Cachar started searching the old PPO of Arjun Tanti. He wrote a letter to Post Master of Silchar Head Post Office on 04.12.2003, relevant portion of which reads as under:-

"Subject:Family Pension-case of Smti. Sushma Tanti, w/o Late Arjun Tanti, ex Runner, Dwarbond Line
Who expired on 27-03-1964.

Kindly refer to this office letter of even No.Dt. 18-08-03 on the above mentioned subject wherein you were requested to send the office copy of PPO No.CA 12353 of Late Arjun Tanti. But, the same has not yet been received at this end.

Smti. Sushma Tanti w/o Late Arjun Tanti has intimated that she has forwarded the PPO Book of Late Arjun Tanti to your office on August 1964 while taking payment of Rs.37.74 (arrear pension).

You are, therefore, requested to submit both halves of the PPO Book to the office as early as possible.

Sd/-

Senior Supdt. of Post Offices,
Cachar Division:Silchar-788001"

After a reminder dated 05.01.2004 from the SSPO/Cachar, the PM/HPO/Silchar informed about non-availability of PPO of Arjun in the Head Post Office vide his letter dated 19.01.2004.

13. As is seen from the Sanction Order dated 06.08.1964 (Supra), the HPO/Silchar was to transmit the PPO in question to AO/Kolkata. Thus, instead of searching the PPO in the Head Post Office, it should have been searched to find out as to on which date (under which forwarding letter) the PPO of Arjun Tanti was transmitted to AO/Kolkata. That was apparently not done.

14. On 22.01.2004, Sushama (the widow) was asked to furnish a Succession Certificate; on receipt of which, Sushama submitted a representation on 01.06.2004. Without hearing from the authorities, the said widow (Sushama Tanti) breathed her last on 15.03.2005; which factum was intimated to the authorities, on 29.06.2005, by her son on Abhimanya Tanti.

15. On 08.07.2005, the SSPO/Cachar wrote a letter to AO/Kolkata; text of which reads as under;

“Sub: Claim for family pension case of Smt. Sushma Tanti, W/O Late Arjun Tanti Ex Runner, Dwarbond Line holder of PPO No.CA-12353 who expired on 27-03-64.

Ref: Your letter no.Pen-1/Misc/FP/SC/Smt Sushma Tanti/2003/P-6973 dtd 05-11-03.

Kindly refer to item no.5 of your above cited letter wherein you have asked this office to submit succession certificate from a Court or Affidavit sworn before a Magistrate. In this connection, kindly refer to this office letter of even no. dtd 18-08-03 with which the photo copy of Affidavit dtd 07-07-03 and dtd 11-07-01 were forwarded to your end along with the pension papers at s/1 6 and 9.

The claimant Smt Sushma Tanti has already been expired on 15-03-2005. Her son Abhimanya Tanti, whose name is included in the Affidavit dtd 07-07-03 and also in the sanction memo issued by this office for payment of life time pension of Late Arjun Tanti for the period from 01-

03-1964 to 27-03-04 is now claiming the arrear family pension of his mother Late Sushma Tanti w.e.f. 27-03-64 to 15-03-05.

The photo copy of affidavit dtd 07-07-03, 11-07-03, death certificate of Late Sushma Tanti, this office sanction memo dtd 06-08-1964 and the claim application of Shri Abhimanya Tanti are forwarded herewith for favour of necessary authorization and further instruction.

Enclo. As above.”

16. On 09.08.2005, AO/Kolkata forwarded the papers to AO/Guwhati.

Relevant portion of the said letter is extracted below:-

“Sub: Claim for family pension case of Smt. Sushma Tanti stated to be the w/o Late Arjun Tanti, Ex Runner, Dwarbond Line, holder of PPO No. CA 12353 and reported to have expired on 27.03.64.

The documents received from the Sr. Supdt of POs, Cachar Dn, Silchar-788 001 vide his letter no.C2-Pension/Misc dated 18.08.03 & 08.07.05 on the captioned subject are forwarded herewith for taking further course of action in accordance with GIOM No.1(11)/85-PU dated 18.06.85.

The Xerox copy of detailed correspondence made along with the Sr. Supdt. of POs, Cachar Dn, Silchar vide this office letter of even no.P-6973 dated 05/11/03 are enclosed herewith for your perusal.

Enclo:- As above
(29 pages & photo)

Sd/-
(P.K. MITRA)
Accounts Officer/Pension I Section”

17. On the same 09.08.2005, AO/Kolkata wrote another letter to SSPO/Cachar; relevant portion of which reads as under;

“Sub: Clam for family pension case of Smt. Sushma Tanti stated to be the w/o Late Arjun Tanti, Ex-Runner, Dwarbond Line, holder of PPO No. CA 12353 and reported to have expired on 27.03.64.

In acknowledging your endorsement no.C2- Pension / Misc dated 08.07.05, it is stated here that such belated submission of incompletely completed document will be of no use,

until and unless the provisions of GIOM No.1(11)/85-PU dated 18.06.85 are rigidly followed.

In view of the facts stated above, you are further requested to pay rigid attention to Col (1) to (5) scrupulously of this office letter dated 05/11/03, and forward requisite document to this end, if deemed proper.

This is for your kind information and necessary action.

Sd/-
(P.K. MITRA)
Accounts Officer/Pension 1 Section"

18. On 15.09.2005, AO/Guwhati wrote a letter to AO/Kolkata; relevant portion of which reads as under:-

Subject:- Claim for family pension case of Smt. Sushma Tanti stated to be W/o late Arjun Tanti, Ex-Runner, Dwarbond Line, holder of PPO No.CA 12353 and reported to have expired on 27-03-04.

Ref:- Your letter No. Pen-1/Misc/FP/SC/Smt. Sushma Tanti/2003/P-3952 dtd. 9-8-2005.

Kindly refer to your letter under reference on the above subject. Since the original pension case of late Arjun Tanti, Ex-Runner, Dwarbond Line, holder of PPO No.CA-12353 was settled from your office, therefore, the relevant records will be available in your office and his family pension case is also to be settled from your end.

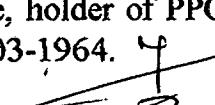
The relevant papers are returned herewith for taking necessary action from your end.

Enclo. As above
(29 pages & photo)

Sd/-
Accounts Officer (Pen)
O/o DA(P), Guwahati-781003"

19. SSPO/Cachar also wrote a letter to AO/Kolkata, on 18.11.2005, to the following effect;

"Sub: Claim for family pension case of Smt. Sushma Tanti, w/o Late Arjun Tanti, Ex.Runner, Dwarbond Line, holder of PPO No.CA-12353 who expired on 27-03-1964.



Kindly refer to your above cited letter regarding payment of family pension to Smti. Sushma Tanti wife of Late Arjun Tanti.

In calmn 5 of your letter No.Pen-1/Misc /FP/SC/Smt.Sushma Tanti/2003/P-6973 Dt. 5/11/03, you have asked to submit (a) succession certificate from a court of law (b) Affidavit sworn before a Magistrate. But, both the certificates have already been sent to your end under this office letter of even No.Dt.18/8/03.

Regarding genuineness of the claimant as asked in calmn 3 of your office letter Dt.5/11/03 a copy of this office letterNo.C3-2/64-65 Dt.6/8/64 is enclosed which shows that Sushma Tanti is the wife of Late A. Tanti.

In this connection, this is to inform that Smti. Sushma Tanti has expired on 15/3/2005 and his son Shri Abhimanya Tanti has claimed the arrear family pension."

20. Again on 21.11.2005, SSPO/Cachar wrote another letter to AO/Kolkata to the above said effect and on 15.12.2005, the Accounts Officer/Kolkata wrote a letter to SSPO/Cachar to the following effect:-

"OFFICE OF THE GENERAL MANAGER (POSTAL ACCOUNTS & FINANCE)
WEST BENGAL POSTAL CIRCLE, KOLKATA

No.Pen-I/Misc/FP/SC/Smt.Sushma Tanti/2003/P-7792
dt.15.12.05
To
The Sr. Supdt. of POs,
Cachar Division,
Silchar-788 001.

Sub: Claim for life-time arrears of family pension case of Smt. Sushma Tanti reported to have been expired on 15.03.05, stated to be the w/o Late Arjun Tanti, Ex-Runner, Dwarbond Line, h/o PPO No.CA 12353 and expired on 27.03.64.

Your office letter no. C2-Pension/Misc. dated 21.11.05 on the subject captioned above may kindly be referred to.

On careful scrutiny of the documents, it is observed that Arjun Tanti, ex-Runner, Dwarbond Line, h/o PPO No.CA 12353 is reported to have expired on 27.03.64 and after a lapse of almost 40 years, a claim is reported to have been preferred by Smt. Sushma Tanti, as

informed in your letter no.C2-Pension/Misc dated 18/08/03. In this connection the detailed procedure required to be followed by your office towards settlement of instant case had been discussed in this office letter of even no.P-6973 dated 05/11/03. It is a matter of regret that no fruitful action towards settlement of instant case is found to have been initiated prior to the date of death of Smt. Sushma Tanti i.e., on 15.03.05.

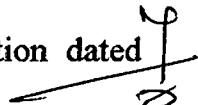
Now one Shri Abhimanyu Tanti stated to be the s/o Late Arjun Tanti and Late Sushma Tanti preferred Life-time arrears of family pension due to his mother Smt. Sushma Tanti following date of death of Late Arjun Tanti w.e.f. 27.05.64 to 15.03.05. In this connection your attention is being further drawn to GIOM No. 1(11)-85/PU-dated 18.06.85, which is self-explanatory in this regard.

However, Life-time arrears of family pension due to Late Sushma Tanti stated to be the w/o Late Arjun Tanti will be admissible pertaining to the period from 22.09.77 to 15.03.05 subject to fulfillment of GIOM dated 18.06.85 and availability of the documents mentioned hereunder:-

1. Administrative sanction in Annexure-I in duplicate indicating Life-time arrears of family pension due to Late Sushma Tanti w/o Late Arjun Tanti.
2. Succession certificate from a Court of Law from the legal heir indicating amount of Life-time arrears of family pension due to Late Sushma Tanti.
3. Claim application in prescribed form as required under GIOM dated 18.06.85.
4. Photographs (3 copies), SS/TI Cards, Descriptive Roll etc from the claimant with due attestation thereon.
5. Near relative certificate in respect of Late Arjun Tanti issued by an authority competent to issue such certificate.
6. Certificate of genuineness of the claimant.
7. Both halves of PPO bearing No.CA 12353.

The documents as mentioned above should be routed through DA(P), Assam Circle, Guwahati for further course of action.

Sd/-
(D.P. GHOSH)
Accounts Officer/Pension I Section"

21. On receipt of above information the SSPO/Cachar sought more information (from the son of the Pensioner) by his communication dated 

09.01.2006. Text of the letter dated 09.01.2006 of SSPO/Cachar reads as under:-

“DEPARTMENT OF POSTS:INDIA
OFFICE OF THE SENIOR SUPDT OF POST
OFFICES
CACHAR DIVISION: Silchar-788001

To

Shri Abhimanyu Tanti
S/o Late Arjun Tanti
Vill Chegduar Part II
P.O. Noonpani P.S. Silchar

No. C2-Pension/Misc. Dated at Silchar the 09.01.2006

Sub: Claim for life-time arrears of family pension – case of Late Sushma Tanti who expired on 15-03-05.

Ref: Your letter no. Nil dtd. 29-06-2005.

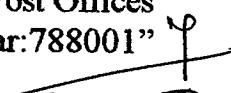
Please obtain and forward the following documents to this office immediately for onward transmission to General Manager (Postal Accounts & Finance) Kolkata.

- 1 Succession certificate from the Court of Law indicating life-time arrears of family pension due to Late Sushma Tanti, wife of Late Arjun Tanti. Holder of PPO No.CA-12353.
2. Photographs 3 copies to LPO 3.7.06, with F/T impression, 1/man.
3. Near relative certificate in respect of Late Arjun Tanti issued by an authority competent to issue such certificate.
4. Certificate of genuineness of the claim/claimant.
5. Original copy of PPO bearing no.CA-12353.
6. Consent letter from other children of Late Arjun Tanti.

The following forms are sent herewith for resubmission of the same, after duly filled in, through Inspector of Posts, West Sub Division, Silchar. Any delay will delay the settlement of the case.

1. Specimen signature cards.
2. Descriptive roll.

(B.K. MARAK)
Senior Supdt. of Post Offices
Cachar Division: Silchar-788001”



22. On 07.02.2006, the above said son of the Pensioner Arjun Tanti/Family Pension Claimant Sushama (through his Advocate) represented to the authorities; whereafter the matter was expedited; as is evident from letter dated 03.07.2006 of the Accounts Officer/Kolkata addressed to the SSPO/Cachar. Relevant portion of the said letter dated 03.07.2006 of AO/Kolkata reads as under; -

“Subject:Claim for life-time arrears of Family Pension -
case of Smt. Sushma Tanti w/o Late Arjun Tanti,
holder of PPO No.CA-12353.

In view of the Advocate's Notice served on 7.2.2006 (a copy enclosed) regarding the settlement of the claim of life-time arrears of Family Pension due to Late Sushma Tanti w/o Lt. Arjun Tanti, you are requested to refer to this Office letter of even No.P-7792 dt. 15.12.05. The necessary and proper documents required to process the case have still not been received at this end. Kindly expedite the matter, as already a lot of time has lapsed.

This may kindly be treated as urgent.”

23. On 20/21.04.2006, SSPO/Cachar asked Abhimanyu (son of the Pensioner) to submit all papers and, on 03.07.2006, IPO/Silchar West sent papers to SSPO/Cachar. On 17.07.2006 SSPO sent papers to AO/Kolkata. On 07.08.2006, AO/Kolkata wrote the following letter to SSPO/Cachar; -

“Sub:- Claim for Life-time arrear of Family Pension-case
of Late Smt. Sushma Tanti, W/o Late Arjun Tanti,
holder of P.P.O. No.CA-12353.

Kindly refer to your letter No.C2-Pen/Misc. dated
17-7-2006 on the subject mentioned above.

In this context it is intimated for your information that the Life-time arrear of family pension, for the period from 22-9-1977 to 15-3-2005 , due to Late Smt. Sushma Tanti comes to Rs.2,77,799/- For the sake of prompt settlement of the case you are requested to arrange for submission of the following documents to this Office.

(A) Succession Certificate my kindly be obtained
from the rightful claimant i.e., the family
member in whose favour a Succession
Certificate has been issued by a Court of Law.

- (B) Duly filled in application in prescribed form (proforma has been outlined in Dept. of Pen. & P.W.O.M. No.1(11)/85-Pension Unit dated 18-06-1985).
- (C) Administrative Sanction in form Annexure-I in favour of the above claimant.
- (D) Identification documents and full address of the claimant.
- (E) Supply of both halves of PPO No.CA-12353.

Sd/-
 (D.P. GHOSH)
 Accounts Officer/Pension-I
 (Postal): Kolkatta"

24. On 29.08.2006, SSPO/Cachar wrote the following letter to AO/Kolkata:-

"Subject: Claim for Life-time arrear of Family Pension-
 Case of Late Smti. Sushma Tanti W/o Late Arjun Tanti,
 holder of P.P.O. No.CA-12353.

Ref: Your letter No.Pen-1/Misc/FP/SC/Smti. Sushma
 Tanti/2006/P-3846 Dt.7/8/06.

The application, which was mentioned in Calmn. B of your above cited letter, is not readily available in this office. Kindly favour this office by supplying a copy of the Application form so that the same can be sent to the claimants.

In para 7 of this office letter of even No.Dt.17-07-06 it was mentioned that both halves of the PPO bearing No.CA-12353 are not available either at Silchar H.O. or with the legal heirs. But, you have again addressed this office to supply both halves of the P.P.O. Kindly inform whether the claim case can be settled without any of the halves of P.P.O.

The favour of an early reply is requested."

25. On 14.09.2006, AO/Kolkata wrote a letter to SSPO/Cachar; relevnt portion of which reads as under:-

"Sub: Claim for Life time arrear of Family pension case of Late Sushma Tanti, W/O Late Arjun Tanti, holder of PPO No.CA-12353.

Ref: Your letter No.C2-Pen/Misc dated 29.8.06.

Kindly refer to your letter under reference on the subject cited above.



The prescribed proforma as mentioned in this office letter of even case mark No. dated 7.8.06 in column "B" are forwarded herewith as desired by you.

Further necessary action may kindly be taken as per instruction laid down in column "A"- "B" of this office letter ibid.

As regards submission of both halves of PPO No.CA-12353, it is intimated for your information that since the Family pension was not authorized therein, the same need not be necessary for processing in the instant case.

Enclo:

- 1. Proforma of application
- 2. Annexure-I

Sd/-
(T.K. MODAK)
SR. ACCOUNTS OFFICER/PENSION-I"

26. On 26.09.2006, the SSPO/Cachar intimated the above said Son (Abhimanyu Tanti) of the Pensioner to the following effect; -

"Sub: Claim for life time arrear of family pension case of Late Arjun Tanti, holder of PPO No.CA-12353.

Please refer to this notice dtd 07-02-06 on the above mentioned subject.

In this context it is intimated the life time arrear of family pension for the period from 22-09-1977 to 15.-03-05 due to Late Sushma Tanti comes to Rs.2,77,799/-.

You are requested to submit the following documents to this office immediately for early settlement of the case.

- A. Succession certificate from the Court of Law.
- B. Consent letters from all surviving children of Late Sushma Tanti.
- C. Duly filled in application form which is enclosed."

27. On same 26.09.2006, SSPO/Cachar also wrote a letter to Sr.AO/Kolkata to the following effect; -

Subject: Claim for life time arrear of family pension case of Late Sushma Tanti, W/o Late Arjun Tanti, holder of PPO No.CA-12353.

Ref: Your letter No.Pen-1/Misc/FP/SC/Smti. Sushma Tanti/06/P-5127 Dt. 14/9/06.

Late Arjun Tanti, the deceased Govt. Servant, was expired on 27-03-1964. No records, regarding the ex-official's service-particulars are available in this end. But in Part I of Annexure-I, the service-particulars of the ex-official should be filled in.

Kindly instruct, whether the case can be settled without furnishing the service-particulars as required in Sl No.2, 3, 7 & 8 etc.

Sd/-

Senior Supdt. of Post Offices,
Cachar Division: Silchar-788001"

28. On the same day (26.09.2006) the SSPO/Cachar asked the son of the Pensioner to obtain Succession Certificate to the tune of Rs.2,77,799/-; which was calculated to the arrear life-time Family Pension payable to the widow of Pensioner. Text of the said letter dated 26.09.2006 reads as under:-

"Sub: Claim for life time arrear of family pension of Late Sushma Tanti w/o Late Arjun Tanti, holder of PPO No.CA-12353.

Please refer to the notice dtd 07.02-06 on the above mentioned subject.

In this context, it is intimated that the life time arrear of family pension for the period from 22-09-1977 to 15-03-05 due to Late Sushma Tanti comes to Rs.2,77,799/-.

You are requested to submit the following documents to this office immediately for early settlement of the case.

- A. Succession certificate from the Court of Law.
- B. Consent letters from all surviving children of Late Sushma Tanti.
- C. Duly filled in application form which is enclosed."

29. On 05.10.2006, the SSPO/Cachar again wrote a letter to Sr.AO/Kolkata seeking clarification as sought in his letter dated 26.09.2000. On 12.12.2006, the Sr.AO/Kolkata wrote the following letter to the SSPO/Cachar;-

"Sub: Claim for life time arrear of Family Pension-case of Late Sushma Tanti, W/o Late Arjun Tanti, holder of PPO No.CA-12353.

Ref: Your letter No.C2-Pen/Misc dated 5.10.06.

In response to your letter under reference on the subject stated above, you are requested to intimate the necessary particulars of serial No.2, 3, 7 & 8 as required in your letter to the claimant from the Service Book of Late Arjun Tanti for incorporating the same in the Annexure-I.

As these particulars are absolutely necessary for settlement of such type of case.

Sd/-
(T.K. MODAK)
SR. ACCOUNTS OFFICER/PENSION-1”

30. In the above premises, by his letter dated 27.12.2006, the SSPO/Cachar asked the IPO/Silchar West to locate the Service Book of Arjun Tanti.

31. After obtaining Succession Certificate dated 13.06.07, the same was submitted (along with death certificate) on 02.07.2007.

32. SSPO/Cachar gave a reminder to IPO/Silchar West on 09.07.2007 and on 30.07.2007 to locate the Service Book of Late Pensioner Arjun Tanti. On 30.07.2007, the IPO/Silchar West reported about non-availability of Service Book of Late Arjun Tanti.

33. On 03.08.2007, SSPO/ Cachar submitted a report to PMG/Dibrugarh and on 06.08.2007 wrote a letter to the son of the Pensioner to the following effect:-

“Sub: Claim for life-time arrear of family pension Case of Late Sushma Tanti W/o Late Arjun Tanti, holder of PPO No.CA-12353.

With reference to your letter No.nil Dt. 2/7/07 this is to inform you that your case has been forwarded to the Postmaster General, Dibrugarh Region Dibrugarh. On receipt of P.M.G., Diburgarh's instruction, action will be taken accordingly, and will be intimated to you.

Sd/-
Senior Supd. Of Post Offices,
Cachar Division, Silchar-788001”

34. On 02.11.2007, SSP/Cachar wrote a letter to AO/Kolkata to the following effect:-

Sub: Claim for life-time arrear of Family Pension-Case of Late Sushma Tanti, W/o Late Arjun Tanti holder of PPO No.CA-12353.

Ref: Your letter No.Pen-1/Misc/PP/SC/Smt.Sushma Tanti//06/P-7607 Dt.12/12/06.

With reference to your above cited letter, this is to inform that neither the service-book nor the pension file of Late Arjun Tanti, holder of PPO No.CA-12353 are available at this office after such a long period.

In view of the above facts, your instructions are solicited as to the settlement of the case to avoid court case since the party has already served Pleader's Notice under 80 C.P.C.

Sd/-

Senior Supdt of Post Offices,
Cachar Division, Silchar-788001"

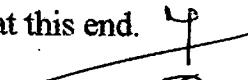
35. On 26.11.2007, the Asst. Director (Pension) of the Office of the PMG/Dibrugarh took a view that AO(Pension) of the Office of the DA(P)/Guwahati is the Competent Authority to deal with the matter. In the said premises, the SSPO/Cachar moved the AO(Pen)/Guwahati on 5.12.2007. Only on 12.03.2008, the AAO/Guwahati intimated that things are to be done at Kolkata.

36. On 29.01.2008, SSPO/Cachar wrote to the AO/Kolkata to the following effect:-

"Sub: Claim for life-time arrear of family Pension -Case of Late Sushma Tanti, w/o Late Arjun Tanti, holder of PPO No.CA-12353.

Ref: Your letter No.Pen-1/Misc/PP/SC/Smti. Sushma Tanti 06/P-7607 Dt.12/12/06.

Kindly refer to this office letter of even No. Dt.02-11-07 on the above noted subject wherein your necessary instructions were solicited as the service-book of Late Arjun Tanti is not traceable at this end.



You are, therefore, requested to instruct how the case can be settled without the help of service-book to avoid court case.

Sd/-

Senior Supdt. of Post Office,
Cachar Divison: Silchar-788001"

37. Again, on 22.02.2008, the SSPO/Cachar wrote a letter to AO/Kolkata to the following effect:-

Sub: Claim for life-time arrear of family Pension-Case of Late Sushma Tanti, W/o Late Arjun Tanti, holder of PPO No.CA-12353.

Ref: Your letter No.Pen-1/Misc/PP/SC/Smti. Sushma Tanti, holder of PPO No.CA-12353.

Kindly refer to this office letter of even No.Dt. 2-11-07 and 29-01-08 on the above cited subject.

The claimant is pressing hard for early settlement of this long pending case.

You are, therefore, requested to look into the matter personally and arrange to settle the case as early as possible to avoid Court case.

Sd/-

Senior Supdt. of Post Offices
Cachar Division: Silchar-788001"

38. On 18.02.2008, the Sr.SO/Kolkata turned down the proposal to grant life-time arrear Family Pension of Late Sushma Tanti (widow of Late Pensioner Arjun Tanti) and to release the same in favour of their son Abhimanyu Tanti. The Text of the said letter dated 18.02.2008 reads as under;—

"Sub: Claim for life-time arrear of Family Pension-case of Late Sushma Tanti, W/o Late Arjun Tanti, holder of PPO No.CA-12353.

Ref: Your letter no.C2-Pen/Misc, dated 02.11.2007.

In response to your letter under reference, it is informed that in the absence of Service Book of Late Arjun Tanti as well as due to non-availability of the

documents asked for in this office letter of even case mark bearing no.3846 dated 07.08.2006, there is absolutely no scope to initiate any action towards settlement of the life-time arrear claim of Late Sushma Tanti. Hence submission of all the documents incorporated in this office letter stated above is a sine-qua-non from the pension sanctioning authority i.e. SSPO's Cachar Division.

This issues with the approval of the GM(PA&F), West Bengal Postal Circle, Kolkata.

Sd/-
Sr. Accounts Officer(P)
Kolkata"

39. Finally, on 04/05.02.2008, the SSPO/Cachar intimated about rejection of the Family Pension claim, text of which reads as under:-

"DEPARTMENT OF POSTS; INDIA

Senior Supdt. of Post Offices,
Cachar Division: Silchar-788 001

To

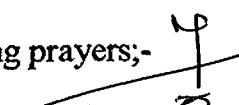
Shri Abhimanyu Tanti,
S/o late Arjun Tanti,
Vill.- Chengduar-11, PO Noonpani,
Via.- Barjalenga, P.S. Silchar
No.C2-Pension/Misc. Dated at Silchar the 04/02/08.

Sub: Claim for life-time arrear of Family-Pension-
Case of Late Sushma Tanti, w/o Late Arjun
Tanti, holder of PPO No.CA-12353.

The General Manager (PA&F) Kolkata
has intimated that there is absolutely no
scope to initiate any action towards
settlement of the life-time arrear claim of
Late Sushma Tanti. This is for favour of
your information.

Senior Supdt. of Post Offices
Cachar Division: Silchar-788001"

40. Being aggrieved, the son (of Late Arjun & Late Sushma) Abhimanyu
has filed this case on 02.02.2009 with the following prayers;



“1) Honorable Tribunal be please to pass order to set aside and quash the impugned order No.C2-Pension/Misc dtd 04/02/2008 (Annexure-18).

2) Honourable Tribunal be pleased to pass an order in favour of applicant son of the deceased widow Sushma Tanti to get arrears of family pension due to the late Sushma Tanti from 22.9.1977 to 15.03.2005 amounted to Rs.2,77,799.00 with accrued interest at the rate of Rs.12% per annum from the date it was due.

3) Hon’ble Tribunal be pleased to pass an order with direction to the Respondents to pay the total costs of succession certificate; stamp duty of Rs.12,430.00 and cost and legal fees of Rs.2500.00, amounted to total of Rs.14,930.00 incurred by the applicant due to delay in finalizing the claim of the Late Sushma Tanti during her life time.

4) A declaration by the Hon’ble Tribunal to pay compensation of Rs.50,000.00 for mental torture and agony.

5) The Hon’ble Tribunal be pleased to pass an order to pay the cost of this application; and

5) Any and/or such other relief(s) as Your Honour would deemed fit and proper.”

41. Heard Mr. M.R.Das, learned Counsel appearing for the Applicant and

Ms. Usha Das, learned Addl. Standing Counsel for the Govt. of India/Respondents.

42. Non-availability of Pension Payment Order and Service-Book of Late Pensioner Arjun Tanti has finally been shown as the reason for non-sanction/non-release of life-time arrear family pension payable to Late Sushma Tanti (widow of Late Pensioner Arjun Tanti) in favour of their son /present Applicant.

43. Materials placed on record goes to show that it was known to the Respondent Department that Sushma & Abhimanya to be the widow and son,

respectively, of the Pensioner Arjun Tanti; for they released the life-time arrear Pension (of Arjun Tanti) in their favour. The Sanction order dated ^(Subra) 06.08.1964 is available on records of the Respondent Department being produced by the widow Sushma. The genuineness of the said document is not in dispute. The said document goes to show that the PPO was asked to be transmitted from Head Post Office/Silchar to Accounts Office/Kolkata. In ordinary circumstances, that must have been transmitted to AO/Kolkata. It appears, as to when the same (PPO) was transmitted from Head Post Office/Silchar ^{and} as to when the same reached Office of AO/Kolkata has not been verified. In any event, the basic pension papers (from which PPO No.CA-12353 was issued) must have been available in the said Accounts Office/Kolkata. It appears, that conveniently no attempts were made to trace out the same in AO/Kolkata. Had that been located, details of service particulars of Late Arjun Tanti would have been found out. Respondents have disclosed in their written statement that Service Books are only preserved for five years after retirement/death of a Govt. Servant. If that is so, the AO/Kolkata ought not to have insisted on SSPO/Cachar to locate the same. On the other hand, SSPO/Cachar, IPO/Silchar West & Post Master of Silchar Head Post Office have not placed any material to show that the Service Book of Late Arjun Tanti to have been destroyed on any particular day.

44. We have come across 2-Office Memos of Govt. of India, which answers the points in issue. Govt. of India has pointed out the way to solve the problem like the present one. One is Office Memorandum No.F.1(3)-E.V/83/PE dated 04.06.1985 of Ministry of Finance and another is Office Memorandum No.1/1/85-PU dated 16.12.1985 of Department of Pen. & Pen. Welfare.

45. Office Memo dated 04.06.1985 of the Ministry of Finance, which deals with the "Procedure for payment of life time arrears" reads as under:-

Procedure for the payment of life-time arrears
(Government of India, Ministry of Finance
O.M.No.F.I (3)-E. V/83/Pt., dated the 4th June,
1985)

It has been decided that in cases where the defendant of the pensioner is unable to produce the legal heirship certificate, the payment of life-time arrears of pension accruing to the deceased pensioner may be authorized by adopting the procedure outlined in this O.M. In such cases, the pension disbursing officer will, on receipt of the application for revision of pension along with any documentary proof regarding the relationship and heirship of the claimant, forward the documents duly attested to the concerned Accounts Officer. In case the claimant happens to be the recipient of family pension, the pension disbursing officer will verify the identity of the claimant with reference to the disburser's as well as pensioner's halves of the P.P.O. and give a certificate of having done so in his letter forwarding the application, etc., to the Accounts Officer.

2. The Accounts Officer will, on receipt of the application for revision of pension and other documents from the pension disbursing officer, calculate the amount of arrears payable as a result of revision of pension of the deceased pensioner, and issue necessary authority for payment of life-time arrears of pension to the pension disbursing officer. However, before issuing the authority for payment, the Accounts Officer will, depending on the accounts of arrears involved, obtain the order of the following authorities on the lines of the provisions of Rule 370 of the Central Treasury Rules, read with Rule 283-C ibid, irrespective of the fact whether the application for the payment of arrears was made within one year of pensioner's death or not:-

(i) if the gross amount of arrears does not exceed Rs.5,000 and the case represents no peculiar features, the Accounts Officer may authorise the payment on his own authority;

(ii) If the gross amount of arrears exceeds Rs.5,000 but does not exceed Rs.25,000, under orders of the Head of Department or the Administrator, or of the Comptroller and Auditor-General in the case of pensioners from the Indian Audit and Accounts Department, or of any officer of that Department declared as a Head of the Department, as the case may be, upon execution of an indemnity bond in form T.R.14, duly stamped, for the gross amount due for payment, with such sureties as may be deemed necessary.

NOTE 1.- The Head of Department here means the Head of Department as defined in Rule 2 (xvi) of the General Financial Rules, 1963.

NOTE 2.- Normally, there should be two sureties, both of known financial stability, unless the gross amount of claim is less than Rs.7,500 in which case the authority accepting the indemnity bond in form T.R.14 for and on behalf of the President should decide on the merits of each case whether to accept only one surety instead of two.

NOTE 3.- The obligor as well as the sureties executing the indemnity bond should have attained majority so that the bond may have legal effect or force. The bond is also required to be accepted on behalf of the President by an officer duly authorized under Articles 299(1) of the Constitution.

3. In case of any doubt and also in cases where the amount of arrears involved exceeds Rs.25,000, payment shall be authorized to be made only to the person(s) producing the legal authority.

4. These orders will not be applicable in cases where a valid nomination exists under the payment of Arrears of Pension (Nomination) Rules, 1983. In such cases, the payment of arrears will be authorized to be made to the nominee(s).

We have collected this Notification from Eleventh Edition of Swamy's Pension Compilation (an approved reference book of P.Muthuswamy published by Swamy Publishers (P) Ltd., Madras). The Author's Note appended below the OM dated 04.06.1985 reads as under:-

AUTHOR'S NOTE.- Though the procedure outlined above has been issued in connection with the implementation of Liberalised Pension Formula to Pre-31-3-1973 pensioners, the same has application to payment of arrears of pension in all cases.

46. By issuing O.M. dated 16.12.1985, the Department of Pension & Pension Welfare of Govt. of India "Procedure for processing family pension cases, where no records are available", has been given out. The said Office Memo dated 16.12.1985 is extracted below;-

**Procedure for processing family pension cases
where no records available**



[Government of India Dept. of Pen. & Pen. Welfare,
O.M.No.1/1/85-PU, dated the 16th December, 1985)

A large number of applications for grant of family pension have been received in various Departments of the Government of India. In a number of cases information relating to the last pay drawn, total service rendered, etc. is not available either with the widows who are applying for the family pension and the Departments are also unable to lay hands on old records. As such, finalisation of these cases is held up resulting in hardship to the claimant of family pension. Various Departments have also found it difficult to satisfy themselves that the applicant is a genuine claimant as there are no records or documentary evidence available on the subject. In order to expedite settlement of the claims of family pension and arrears due following instructions are issued for deciding such cases:-

2.(a) Pay for calculation of family pension where no records are available.- On receipt of the application in the prescribed form for sanction of family pension, administrative authority should take immediate steps to locate the old records. If particulars of last pay drawn are neither available in the Department/Office nor made available by the Accounts Officer, a note may be recorded on the file detailing the steps taken to obtain these particulars resulting in a failure. Thereupon the family pension may be decided based on the documentary proof furnished by the applicant. If no documentary proof ha been furnished by the applicant, the pension may be determined with reference to the midpoint of the scale of pay attached to the post held at the time of retirement/death of the Government servant (e.g., a UDC who retired during 1958, his scale of pay being Rs.80-220. The midpoint is Rs.150.

However, the procedure for calculating family pension on ad hoc basis as prescribed above should be followed only as a last resort after earnest efforts by the Head of Office have failed in tracing the relevant record and a dead end has been reached.

2.(b) Form for assessing and authorizing the payment of family pension.- A form for assessing and authorizing the payment of family pension in respect of cases which are covered by Department of Pension & Pensioners' Welfare, O.M. No.1/1/85-PU, dated 18th June, 1985 has been devised and is given in Annexure I. Cases where family pension has already been arranged/ sanctioned need not be reopened.

2.(c) Calculation of relief on family pension to be granted w.e.f. 22.9.1977 or later.- In accordance with

para 5(c) of the Department's O.M. of 18.6.1985, arrears of family pension are to be granted with effect from 22.9.1977 or from a subsequent date when they became payable. After pension has been calculated, various Ministries, etc., had been finding it difficult to calculate the relief payable on the family pension from time to time, as all the orders issued by the Ministry of Finance and Department of Pension & Pensioners' Welfare sanctioning relief do not seem to have been filed in sequence in their guard files. None the less to facilitate early sanction of family pension and relief thereon as applicable, a table listing relief payable to family pensioners is attached as Annexure II, (Not printed).

2.(d) Determination of the genuineness of the claimant for family pension.- It is the responsibility of the applicant to satisfy the Head of Office that she/he is widow/widower or eligible child of the Government servant concerned and establish identity by production of relevant documents, viz. P.P.O. of the late Government servant or any other record which is available. In cases where no such records are available it has been decided that the claimant may be asked to produce one of the following documents for establishing her genuineness:-

- (i) Succession Certificate from a Court, or
- (ii) Affidavit sworn before a Magistrate, or
- (iii) Affidavit of the claimant on a plain paper supported by any two documents which may be acceptable to the Head of the Department/ Pension Sanctioning Authority."

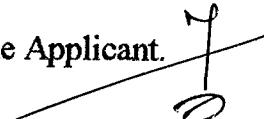
47. When the Govt. of India has provided all and every alternate procedure to solve the problem of its citizens, it is unfortunate that the public officers in charge of the Govt. machinery are not ready to act promptly to solve the problem. The Applicant having produced Succession Certificate and all possible Affidavits etc., the Officers of Respondent Organisation ought to have acted promptly to assist the Applicant and his mother to enjoy the benefit extended by Govt. of India. That has not been done in proper prospective.

48. There appears to be no doubt that Sushma was the widow of Late pensioner Arjun Tanti and Abhimanya to be the son of said Arjun & Sushma. Now that a Succession Certificate has been produced, the things now stand in

a better footing. The Respondents having already calculated the amount payable as life-time arrear Family Pension payable to Late Sushma, there remains nothing on the way to Respondents to disburse the same to the Applicant. If they so desire, they may need at best ask the Applicant to give an indemnity bond to cover the entire amount of Rs.2,77,799/- before releasing the life-time arrear Family Pension for the period between 22.09.1977 to 15.03.2005.

49. On the face of the document dated 06.08.1964 (Supra), the Succession Certificate dated 13.06.2007, affidavits of the claimants and that life-time arrear family pension for the period between 22.09.1977 to 15.03.2005 having already been calculated/intimated on 26.09.2006 (Supra), the Respondents ought to have acted according to O.M. dated 16.12.1985 of DoP & PW (Supra) and O.M. dated 04.06.1985 of MoF (Supra) instead of turning down the case of the Applicant.

50. In the above premises, the Respondents are hereby asked to act promptly to arrange papers for obtaining required affidavit & indemnity bond from the Applicant (by contacting him in person) and release the life-time arrear family pension of Sushma Tanti by end of December 2009. In the meantime, the Respondents should complete all formalities like passing of orders sanctioning life-time arrear family pension in favour of Late Sushma Tanti for the period from 22.09.1977 to 15.03.2005 etc. and release the same to the Applicant (by contacting him in person) through a Bank Draft; after obtaining an indemnity bond (to their satisfaction) from him. While obtaining affidavit and bond etc. from the Applicant, full assistance should be given to him so that minimum time shall be consumed without any feeling of harassment to the Applicant.



51. This case is allowed, accordingly, with cost of Rs.1000/- to be paid (by the Respondent) to the Applicant

52. Send copies of this order to the Applicant and Respondents. Free copies of this order be supplied to Advocates of the parties.

Chaturvedi
(M.K.Chaturvedi)
Administrative Member

Manoranjan Mohanty
24/08/09
(Manoranjan Mohanty)
Vice-Chairman

cm

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**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:GUWAHATI BENCH:
GUWAHATI.**

Title of the case: Sri Abhimanya Tanti – Vs – Union of India & Ors

Case No. O.A. 10 of 2009.

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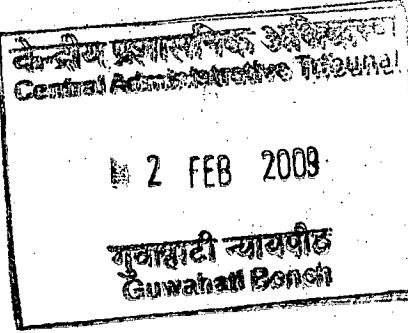
*Monoranjani Das,
Advocate, 22.1.09.*

শ্রী অধিকারী বৈঠক
Signature of applicant

Date of Filing

Registration No

Signature for Registrar



**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:GUWAHATI BENCH:
GUWAHATI.**

Title of the case:

Case No. O.A.10... of 2009.

SYNOPSIS

Srl. No.	Date	Brief descriptions of the application.
1.	27.3.1964	Sri Arjun Tanti expired as pensioner & Ex- Runner Dwarbond line. PPO No CA 12353.
2.	6.8.1964	Sr. Supdt. of POs' Silchar Sanctioned arrear of deceased A. Tanti's pension Rs. 37.74 from 01.3.64 to 27.3.64 payable to Smti. Sushma Tanti and her three minor children. (Annexure A-I Page-11)
3.	August/64	The amount has been received by Smt. Sushma Tanti from PM Silchar Head PO.
4.	1964	Family Pension 1964, the provisions of this rule extended from 22.9.77 to Govt. Servant of pensionable establishments who retired/died before 31.12.1963, as also to those who were alive on 31.12.1963 but had opted out of 1964 Scheme. (Annexure A-19, Page-36)
5.	15.06.1985 11.01.01	FPS circulated b. DOPT (Gazette dated 1988) Smti Sushma Tanti sent a representation to the Respondent No. 4, for payment of Family pension as widow of pensioner Arjun Tanti who Expired on 27.3.64. (Annexure A-2 Page-12)
6.	12.8.03	Inspector of POs sent Pension Papers to the Sr. Supdt. of POs/ Silchar. (Annexure A-8,Page 21-22).
7.	15.3.05	Smt. Sushma Tanti Expired. (Annexure A-17, Page-34).
8.	26.9.06.	Respondent No. 4 Directed to obtained <u>Succession Certificate</u> by the heirs of Arjun Tanti and Sushma Tanti. (Annexure A-14, page-30).
9.	02.7.07.	Applied with copies of Succession Certificate and death Certifecate for life time arrear of family pension due to Sushma Tanti. (Annexure A-15, page-31).
10.	04.2.08.	Impugned letter denying the payment of arrear of life-time family pension due to Sushma Tanti issued from the office of the Respondent No. 4. (Annexure A-18, page-35)

22.1.09.
Monoranjan Das
 Advocate
 Dist. Bar Association
 Silchar, Pin-788001.
 Mobile-94351-73832

अधिकारी ५२७७५ ०७०९

2 FEB 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:GUWAHATI BENCH:
GUWAHATI.

Case No. O.A 10... of 2009.

IN THE MATTER of an application under section 19 of the
Administrative Tribunal Act, 1985.

BETWEEN

Sri Abhimanya Tanti, age 47 years, S/O Late Arjun Tanti, resident of
village- Chengduar, PO- Noonpani PS- Silchar, District- Cachar, Assam

.....*Applicant*

And

1. Union of India, represented by
The Secretary, Govt. of India, Ministry of communication,
Department of Post, Parliament House, New Delhi-110001;
2. Director General,
Department of Post, Dak Bhawan,
Sansad Marg, New Delhi-110001;
3. The Chief Postmaster General, Assam Circle, Meghdoot Bhawan,
Guwahati-781001;
4. The Senior Superintendent of Post Offices, Cachar Division, Silchar
788001.
5. The General Manager, (PA & F)
WEST BENGAL POSTAL CIRCLE, KOLKATA.

.....*Respondents*.

DETAILS OF APPLICATION:

1. Particulars of the order against which the application is made:

The Sr. supdt. of Post Offices, Cachar Division Silchar vide Letter No. C2-
Pension /Misc. dated 04/02/08 conveyed the applicant that there was no
scope of settlement of the life time arrear claim of Smti. Sushma Tanti.
(Annexure A-18)

2. Jurisdiction of the Tribunal:

22.1.09
Monoranjan Das
Advocate

Dist. Bar Association
Silchar, Pin-788001
Mobile-94351-73632

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2 FEB 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

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as

The applicant declares that the subject matter of the application within which he wants redressal is within the jurisdiction of this Tribunal.

3. Limitation:

The applicant further declares that the application is within the limitation period prescribed in the section 21 of the Tribunal Act 1985.

4. Facts of the case:

4.1 Shri Abhimanya Tanti is the applicant, herein after called as the applicant who is the son and heirs of the deceased Late Arjun Tanti. The deceased Arjun Tanti was (Mail) Runner Dwarbond Line. The deceased Arjun Tanti, Ex-Runner was a pensioner, while he died on 27.3.1964 leaving behind his wife Smt. Sushma Tanti and two sons and one daughter.

4.2 That, after the death of Arjun Tanti, ex-runner, the respondent No. 4, vide his memo. dated 6.8.1964 sanctioned a sum of Rs. 37.74 (rupees thirty Seven and paise seventy four) only being the arrear pension for the period from 1.3.64 to 27.3.64 due to late Arjun Tanti, ex-runner, Dwarbond Line and holder of PPO No CA 12353 to his wife Smti. Sushma Tanti of Village Changduar, Cachar, on behalf of the minors sons and daughter of the deceased pensioner:-

- 1) Smti. Fulukumari Tanti, Minor Daughter.
- 2) Shri Ananta Tanti, Minor son.
- 3) Shri Abhimanya Tanti

The said Sushma Tanti got the afore said amount from the Postmaster Silchar Head Post Office in the month of August, 1964. The Said sanctioned memo. is marked as Annexure A- 1.

4.3. That, the New Family Pension Scheme, 1964, has been titled as "Family Pension, 1964, in the Central Civil Services (Pension) Rules, 1972. The benefit of the new family pension scheme has been extended from 22.9.77 also to Government servants on Pensionable establishments who retired/died before 31-12-1963 as also to those who were alive on 31-12-1963 but had opted out of the scheme, vide G.I., Min. of Per. & Trg. OM. No. 1(11) /85-Pension Unit, dated 18-6-1985. Accordingly from that date i.e. from 18.6.85 the family pension cases for those pensioner who opted out and were alive on 31.12.1963, brought under the uniform scheme of Family pension. The Department suo moto reviewed all such pension cases and the families of such employees, otherwise eligible, were given benefit of New Family Pension Scheme, 1964.

22-1-09
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আনন্দজ্ঞা লক্ষ্মী

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

2 FEB 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

4.4. That, though the Department took care to review the cases at hand on that date, the case of the deceased Arjun Tanti, Ex-Runner Dwarbond Line under the respondent No.4, left out may be by mistake of fact and/or oblivion and as a result the Poor widow of the deceased was very badly ^{which} deprived of her legitimate and lawful claim of Family Pension has been buried under papers due to lackadaisical and irresponsible action ^A of the part of the men on the saddle of Postal Department's administration for which the poorest family of the poor deceased Group 'D' becomes the extreme sufferer.

4.5. That, Smt. Sushama Tanti, the wife of the deceased Arjun Tanti, had been residing in the remote and most backward place of Cachar District. She was an illiterate woman, by social Status- a tea garden labourer, an economically backward class and who had no information about the introduction of New Family Pension Scheme, 1964. However, in the year 2000, she came to know that she would be entitled to get family pension. She then wrote the letter dated 11.01.2001(**Annexure A-2**) to the respondent No 4, to consider her case for payment of Family Pension as a widow of Late Arjun Tanti, Ex-Runner, Dwarbond Line who died on 27.3.64 as a pensioner, holder of PPO No. CA 12353 followed by Advocate's notice dated 2.7.2001, (**Annexure A-3**) addressing all the respondents with a prayer for payment of Family Pension.

4.6. That, on receipt of the Notice under Section 80 C.P.C. on 02.7.01 through Sri Jagat Jyoti Paul, Advocate, the respondents No. 4 intimated to the applicant to furnish detailed information about Late Arjun Tanti. The Widow of the deceased accordingly submitted some facts justifying her husbands' service under the respondents. She further, attached a copy of sanctioned memo. dated 06.8.1964 of sum of Rs. 37.74 being the undisbursed amount of monthly pension due to the Late Arjun Tanti from the period from 01.3.1964 to 27.3.1964 as arrear, payable to Smt. Sushma Tanti and her three minor children.

4.7. That, on 6.7.2001, the Sr. Supdt. of Post Offices, Cachar Divn, Silchar, the respondent No. 4, wrote a letter (**Annexure A-4**) to the said Sushma Tanti to submit PPO Book of the deceased Arjun Tanti and to furnish service particulars of the said deceased Arjun Tanti. Shshma Tanti replied that letter dated 6.7.01 vide her letter dated 11.7.01(**Annexure A-5**). Sushma Tanti in her replied intimated that the PPO portion of the deceased was with her while her husband died but at the time of getting the arrear of Rs. 37.74 she handed over the same to the drawing and disbursing Officer, Postmaster, Silchar HPO in the month of August, 1964. As regards to the

m/s
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2 FEB 2009

गुवाहाटी न्यायालय
Guwahati Bench

information of service of Arjun Tanti. She intimated that her husband during her service worked at Aizawl, PO, Monacherra PO, and Dwarbond PO as Grade-IV employee and retired from Ddwarbond PO. He was a pensioner at the time of his death.

4.8.

That, in spite of above all steps on the part of Sushma Tanti, Widow of the deceased, the respondents did not give importance to pay her family pension. The poor widow then wrote and sent a representation on 21.8.2002 (**Annexure A-6**) to the Deputy Director General (Pension), Dak Bhawan, New Delhi, for payment of family pension to her. No reply has been received from him yet.

4.9.

That, on 10.7.2003, the Respondent No. 4, Sent a letter (**Annexure A-7**) to the Inspector of Post Offices, Silchar West Sub-Division, Silchar, ^{and} all forms necessary for family pension case of Arjun Tanti for early submission duly filled in by the widow of the deceased Sushma Tanti.

4.10.

That, on 12.8.03, the Inspector of Posts, Silchar West Sub-Division, Silchar sent the required family pension papers, duly filled in and signed by Widow Sushma Tanti to the Respondent No. 4(**Annexure A-8**)

4.11.

That, the Sr. Superintendent of Post Offices, Silchar, the respondent No. 4, sent the family pension papers to Sri M.S. Mandal, Sr. Accounts Officer, Office of the General Manager, (PA & Finance)West Bengal Postal Circle, Kolkata vide letter dated 18.8.2003. (**Annexure A-9**).

4.12.

That, in course of processing the pension case, Sushma Tanti, Widow of the deceased Arjun Tanti expired on 15.3.2005 and her heirs become the claimants of the life time arrear of family pension due to Late Sushma Tanti. The fact of death of Sushma Tanti was informed to the Postal Authority and the Respondent No.4, by his letter dated 09.01.2006 (**Annexure A-10**) asked Sri Abhimanya Tanti, son of Late Arjun Tanti and Sushma Tanti, to obtain and forward the following documents to his office immediately for onward transmission to General Manager (Postal Accounts & finance) Kolkata. The documents are :- 1) Succession Certificate from the Court of Law indicating life time arrear of family pension due to late Sushma Tanti, wife of Late Arjun Tanti, holder of PPO No. CA 12353 and some other documents.

4.13.

That, having seen the inordinate delay to settle the case, Sri Abhimanya Tanti, sent a reply and notice on 7.2.06 (**Annexure A-11**) against the letter (mentioned as Annexure-A-10) through Sri Monoranjan Das, Advocate, The said notice cum reply to the letter dated 09.01.2006 sent by the respondent No. 4. addressing to the applicant, for getting information about the amount of money due to the deceased Sushma Tanti for which Succession Certificate would be obtained.

MD
22.1.09.

Monoranjan Das
Advocate

Dist. Bar Association
Silchar, Pin-788001
Mobile-94351-73832

Monoranjan Das

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

2 FEB 2009

गुवाहाटी न्यायपाठी
Guwahati Bench

4.14. That, the respondent No.5 by his letter dated 3.7.06 (Annexure A-12) addressed to the respondent No.4 to furnish information asked for earlier vide letter dated 15.12.2005 (Annexure A-13). The required information were (1) Administrative Sanction of life time arrears of family pension due to Late Sushma Tanti. (2) Succession Certificate (3) Claim application (4) Photograph 3 copies (5) near Relatives certificate (6) Certificate of genuineness of claimant (7) Both halves of PPO CA 12353. Accordingly, the claimant has submitted all the document and furnished required information available with him except pensioner half of the PPO. The pensioner half of the PPO has been submitted to the Postmaster Silchar in the month of August at the time of taking payment of Rs. 37.74 being the arrear of pension in the name of deceased Arjun Tanti as per direction of the respondent No. 4 above. The respondent No. 5 in his Memo. dated 6.8.1964 (Annexure A-1) gave instruction to the PM Silchar that after making payment both halves of PPO and other necessary documents should be sent to the Audit Office as usual. The then Audit Office is renamed as office of the General Manager (Postal Accounts & Finance) West Bengal Postal Circle, Kolkata.

4.15. That, the respondent No. 4 vide his letter dated 26.9.06 (Annexure A-14) intimated the applicant that arrear of family pension for the period from 22.09.77 to 15.3.05 due to Late Sushma Tanti is Rs. 2,77,799/- (Rupees two lacs, seventy seven thousands, seven hundred and ninety nine) only. Also by that letter it was directed to send a copy of Succession Certificate, consent letter from all the surviving children of Late Sushma Tanti with filled up application form. The applicant has submitted them in time.

4.16. That, the applicant submitted the required application form and a copy of Succession Certificate granted by the Additional District Judge Cachar, Silchar in the Case No 18 of 2007 with a copy of death certificate vide letter dated 2.7.2007 (Annexure A-15). The Court, in the Succession Certificate (Annexure A-16) directed the debtor to pay the entire amount to Sri Abhimanya Tanti, the applicant. The copy of death certificate of Late Sushma Tanti is marked as (Annexure A-17)

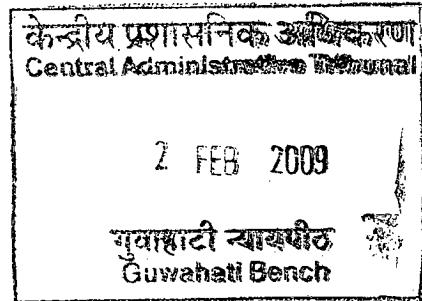
4.17. That, after due discharge of all kinds of formalities and payment of stamp fees and other fees since 2001 in connection with claim of family pension and after submission of the copies of Succession Certificate, copy of Death Certificate etc. as per direction of the respondents, the applicant and the heirs of Late Arjun Tanti and Sushma Tanti were awaiting for payment of their genuine claim of arrear of life time family pension, the respondent No. 4 gave a blunt reply vide his letter dated 04.02.08 (Annexure A-18) with reference to the decision of

22.1.09.

Monoranjan Das
Advocate

Dist. Bar Association
Silchar, Pin-788001
Mobile-94351-73632

মোরণজন দাস



respondent No.5 "That there is absolutely no scope to initiate any claim towards settlement of the life-time arrears claim of Late Sushma Tanti."

4.18. That the impugned letter No.C2-Pension/Misc. Dated at Silchar the 04/02/08 from the respondent No. 4 and so called decision of the respondent No.5 mentioed in that letter is a volt from the blue to the bona fide claimants to the life –time arrears of Late Sushma Tanti vis a vis Govt. of india's instructions and the role played by the respondents since the introduction of the Family Pension Scheme, 1964, circulated **vide G.I., Min. of Per. & Trg. OM. No. 1(11) /85-Pension Unit, dated 18-6-1985.**

4.19. That the copy of sanctioned order of Rs. 37.74 dated 06.8.1964 has clear direction to the Postmaster Silchar that after payment the both halves of PPO and all other necessary documents should be sent to the Audit Office as usual. There is no scope of asking and finding out the both halves of PPO with any or at any other person or place except the Audit Office. The Audit Office means the office of the Director of Audit and Accounts, Calcutta, now the office of the General Manager, (Postal Accounts & Finance) Kolkata. It is not understood as to how the respondent No. 5 asking for the both halves of PPO while as per instruction in the Memo. dated 06.8.1964 (Annexure A-1) the said document ought to have been at his office itself and no where else.

5. **Grounds for relief with legal provisions:**

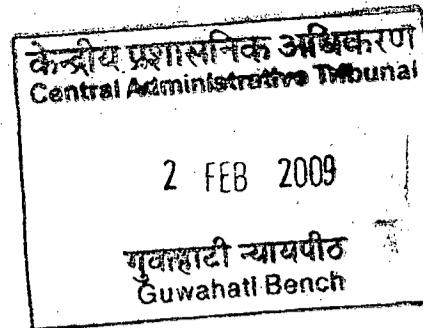
5.1 That the applicant is the son and one of the heirs of the deceased Sushma Tanti, filed this case for and on behalf of all the heirs and on the basis of the order of the Additional District Judge, Cachar, Silchar. The Hon'ble Court has authorized the applicant to collect debts mentioned in the schedule of the Succession Certificate. He filed this case for getting the life time arrear of family pension in the name of his mother Late Sushma Tanti.

5.2 That, the claim is based on the order of the **Govt. of India, Ministry of Personal & Traing Office Memorandum. No. 1(11) /85-Pension Unit, dated 18-6-1985.** The Family Pension 1964, Scheme gives a life Pension to the widow /widower of the Government servant. The Family pension Scheme is admissible to the family of a deceased Government servant, where he dies (a) after completion of not less than one year's continuous service or before completion of one year of continuous service if the deceased Government servant immediately prior to his appointment was medically examined and declared fit for Government service; (b) after retirement from service and was in receipt of pension on the date of death. **The O.A. is filed as per provision of Rule 54 of the CCS (Pension) Rules 1972.**

*MD
22.1.09.*

Monoranjan Das
Advocate
Dist. Bar Association
Silchar, Pin-788001
Mobile-94351-73822

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5.3 That, there is no dispute as to entitlement of family pension by the deceased's heirs but for want of both halves of PPO. The demand of PPO was raised by the respondent who was the custodian of the same after the payment of arrear vide Memo. dated 06.8.1964, (Annexure A-1). Therefore, the question of production of both halves of PPO by the applicant and /or others except the respondent No. 5 does not arise at all. The Department of Posts ought to have been paid the Family pension to the widow in time and in the year 1985 itself and thereafter in the year 2001 while the deceased Sushma Tanti brought the matter before the Postal Authority.

5.4 That, the claimant are genuine heirs of the deceased Arjun Tanti and Sushma Tanti. They have bona fide claims of arrears of life-time arrear of pension due to the Late Sushma Tanti. They have been residing in the same place of residence where their father and mother lived, resided and then died.

5.5 That the applicant reserves the right to produce more documentary evidence and case laws to support his case at the time of hearing of the case.

6. Details of remedies exhausted:

The applicant declares that he has availed of all the remedies available to him under the relevant service rules, which are given below:

Srl No.	Particulars of representations	Date	Annexure No.
1.	Application for Family Pension to the Respondent No. 4 .	11.01.2001	A-2
2	Advocate's Notice to the U.O.I. & 4 others	02.7.2001	A-3
3	Letter to Respondent No.4	11.7.2001	A-5
4.	Representation to DDG (P) New Delhi	21.8.2002	A-6
5	Second notice to the respondents No 4 & 5	07.02.2006	A-11
6	Prayer for payment of arrear of Family Pension	02.07.07	A-15

*(MP)
22.1.09.*

Monoranjan Das

Advocate

Dist. Bar Association
Silchar, Pin-788001
Mobile-94351-73832

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7. That the matter has not been previously filed or pending with any other court.

The applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made before any court or any other authority or any other Bench or the Tribunal nor any such application, writ petition or suit is pending before any of them.

8. **Reliefs sought :**

In view of the facts mentioned in para 4 above the applicant prays for the following relief(s) :-

1) Honorable Tribunal be pleased to pass order to set aside and quash the impugned order No.C2-Pension /Mise dtd 04/02/2008 (Annexure-18)

2) Honourable Tribunal be pleased to pass an order in favour of applicant son of the deceased widow Sushma Tanti to get arrears of family pension due to the late Sushma Tanti from 22.9.1977 to 15.03.2005 amounted to Rs. 2,77,799.00 with accrued interest at the rate of Rs. 12 % per annum from the date it was due;

3) Hon'ble Tribunal be pleased to pass an order with direction to the Respondents to pay the total costs of succession certificate; stamp duty of Rs. 12,430.00 and cost and legal fees of Rs. 2500.00, **amounted to total of Rs. 14,930.00** incurred by the applicant due to delay in finalizing the claim of the Late Sushma Tanti during her ^{UP} _{or} life time.

4) A declaration by the Hon'ble ~~is~~ Tribunal to pay compensation of **Rs. 50,000.00** for mental torture and agony.

5) The Hon'ble Tribunal be pleased to pass an order to pay the cost of this application; and

6) Any and/or such other relief(s) as Your Honour would deemed fit and proper.

9. **Particulars of Postal order filed in respect of the application fee**
Silchar H.O. L.P.O. No. 396 323800 Dtd. 30.1.09

10. **List of enclosures:**

1) A Photocopy of Rule 64 of the Central Civil Services (Pension) Rules, 1972.

Verification

I, Sri Abhimanya Tanti, age 47 years, S/O late Arjun Tanti, resident of village- Chengduar, PO- Noonpani PS- Silchar, District- Cachar, Assam, the applicant do hereby state that paras 1 to 7 are true to my personal knowledge and remaining paras are believed to be true on legal advice and that I have not suppressed any material fact.

Date 22.01.09

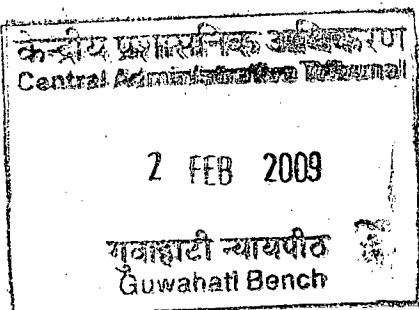
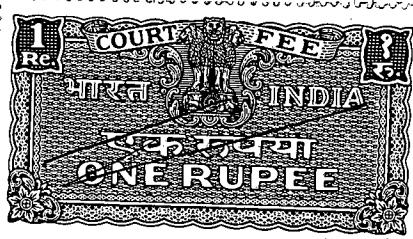
Place: Silchar

*M. Abhimanya Tanti
Advocate
22/1/09.*



MONORANJAN TANTI 67/91

Signature

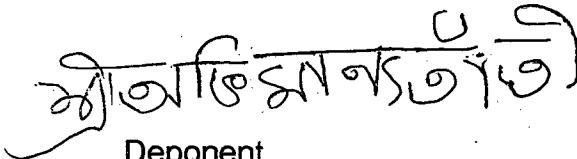


IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,
GUWAHATI

O.A No. 10 of 2009

AFFIDAVIT

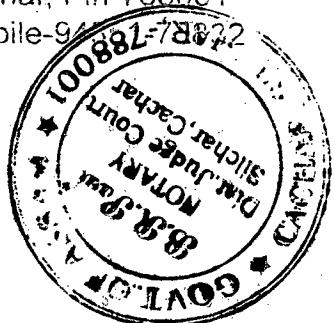
I, Sri Abhimanyu Tanti, Age 47 yrs, S/O Late Arjun Tanti, a permanent resident of village- Chengduar, PO- Noonapani, PS- Silchar, District-Cachar, Assam by Nationality Indian, by Occupation cultivation, by Religion Hindu, do hereby state on oath that I am the applicant in this case before the Central Administrative Tribunal, Guwahati Bench, Guwahati and as an applicant I am fully acquainted with the facts stated in the contents which I believe to be true and in token whereof, I sign this affidavit being present before the Notary Public at Silchar on this the 22nd day of January, 2009.



Deponent

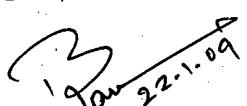
Identified by
Monoranjan Das
Advocate 22/1/09.

Monoranjan Das
Advocate
Dist. Bar Association
Silchar, Pin-788001
Mobile-9436100882

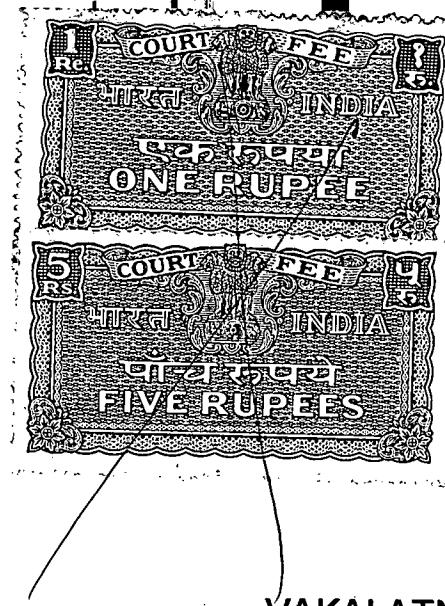


**SOLEMNLY AFFIRMED & DECLARED
BEFORE ME ON IDENTIFICATION**

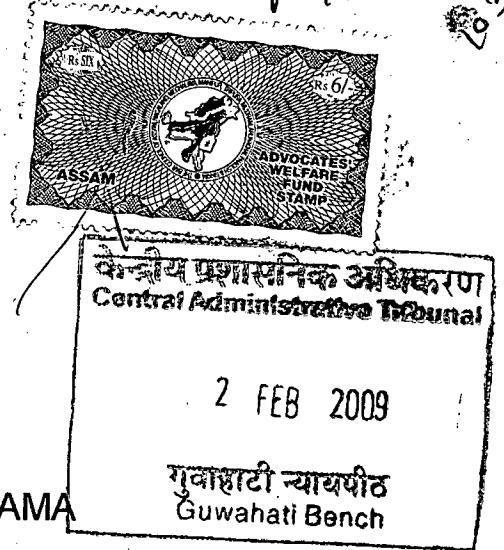
Notary.


Jan 22/09

B. R. PAUL
NOTARY
REGD NO SLC-1 of 2007



VAKALATNAMA



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI
BENCH, GUWAHATI- 781005

O.A. No 10.....of 2009

Shri Abhimanyu Tanti - Applicant,
Vs
Union of India & others- Respondent

KNOW ALL MEN BY THIS PRESENT that, I Shri Abhimanyu Tanti, age 47 years, S/O Late Arjun Tanti, resident of village- Chengduar, PO- Noonapani, PS- Silchar, District-Cachar, Assam, do hereby nominate, constitute and appoint Sri Monoranjan Das, Advocate and Sri Subrata Nath, Advocate, and who will accept this Vakalatnama to be my true and lawful advocates to appear before the Central Administrative Tribunal, Guwahati Bench, Guwahati, and act for me and on my behalf in the case noted above and in connection therewith and for that purpose do all acts whatsoever in that connection including depositing or drawing money, filing in or taking papers, deeds of compensation etc. for me and on my behalf and I agree to ratify and confirm all acts to be done by the said Advocates of mine for all intents and purposes. In case of non-payment of stipulated fees in full, the said Advocates will not be bound to appear and act on my behalf.

IN WITNESS, WHEREOF, I hereunder set my hand on this the 22nd day of January 2009.

Signature of executants.

Accepted

Monoranjan Das
22.1.09 Advocate

Monoranjan Das

Advocate
Dist. Bar Association
Silchar, Pin-788001
Mobile-94351-73832

Accepted
Subrata Nath
Advocate
02/02/2009

INDIAN POST AND TELEGRAPH DEPARTMENT.
OFFICE OF THE SUPERINTENDENT OF POST OFFICES : CACHAR EN.

File No. 03-2/64-65 Dated, Silchar, the 6th August, 1964.

37. Pension is hereby accorded to the payment of a sum of Rs. 37.55/- n.P. (Rupees ~~Seventeen~~^{Seventy five} & n.P. fifty five) only being the arrear pension for the period from 1-2-64 to 27-3-64 @ 20/- n.P. due to late Arjun Tanti, Ex-runner, Dwarband line and holder of P.T.O. No. CA 12353 who died on 27.3.64, to his wife Shrimati Sushana Tanti, Changawar, Chatila P.O. Chibitalichia (Cachar) on behalf of the following minor/ sons and daughter/ of the deceased pensioner:-

1. Shrimati Pulkumari Tanti-Minor. Daughter of the deceased.
2. Shri Apanta Tanti -Minor. Son of the deceased.
3. Shri Abimanya Tanti -Minor. Son of the deceased.

2 FEB 2009

80/- H. Chakravarty.
Superintendent.

गुवाहाटी न्यायपीठ
Guwahati Bench

Mem No. G-2/64-65 Dated, Silchar, the 6th August, 1964.

Copy forwarded to:-

- (1) The Postmaster Silchar with reference to his No. B6/2 payment/ Arjun Tanti dated 3-8-61 for causing payment to the party concerned under intimation to this office. After making payment both halves of the PPO and other ~~RECEIPT~~ necessary documents should be sent to the Audit Office as usual.
- (2) The Director, Audit and Accounts, PAT Calcutta (Through the Postmaster Silchar.)
- (3) Shrimati Shushma Tanti, wife of Late Arjun Tanti, Changdur, Dhalai, P.O. Chittagong, Dt. Cochar.
- (4) Spare.

Attested by



Superintendent.

W. Lee Eley

Annexure A 2

केन्द्रीय प्रशासनिक अ
Central Administrative Tribunal

2 FEB 2009

To

गुवाहाटी न्यायपीठ
Guwahati Bench

The Superintendent of Post Offices,
Cachar, Silchar.

Sub:- Pension of deceased Arjun Tanti, Ex-runner,
Dwarbond Line, holder of P.O. No. C 4 12355 who died
on 27.3.64.

Petitioner : Smt. Sushema Tanti,
W/O. late Arjun Tanti of Changduar,
Chatia, P.O. Chibitabichia, Dist. Cachar.

Respected Sir,

I have the honour to lay before you the following
a few lines for favour of your kind consideration and sym-
pathetic order.

1. That Sir, my husband was a runner (peon) of Dwarbond
Line and received his salary. But he expired on 27.3.1964
leaving me and my two sons and one daughter. But my ~~daughter~~
also expired 3/4 years ago.

2. That, due to my illness, I could not claim any pension
money or the concerned department, never give any pension to
me due to death of my husband.

3. That, I am poor woman having no scope to earn for ^{family} my
Besides I have been suffering from hard illness. Hence, my
condition is so serious to provide food and shelter in the
present circumstances.

4. That the concerned department never remit any money
as pension and never called me for my pension. Though my
husband was a service holder of P & T.

It is, therefore prayed that you may
kindly look into the matter and arrange to
pay my pension money to me as the wife of
late Arjun Tanti who performed his service
in your department.

Thanking you.

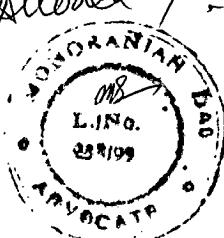
Yours faithfully,

Date : 11/01/2001

Enclo:- Memo No. C-3-2/64-65

6th Aug. 1964.

(Smt. Sushema Tanti)



P-12

Annexure - A-3

P-13
108

JAGATHJYOTI PAUL

B.A. (Economics) LL.B

Advocate.

District Bar Association.

Reg. No. 33981(O)

Silchar, Cachar.

RESIDENCE:

Dr. Surendra Chakraborty Lane,
Public School Road,
Silchar 788005

REGISTERED WITH A/D

Ref. No. _____

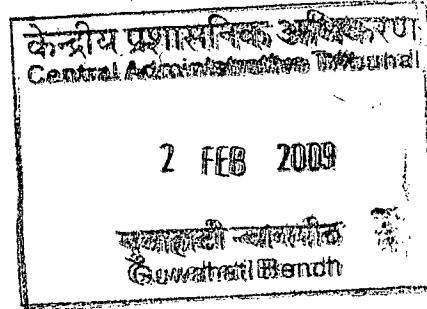
Date: 02.07.2001.

NOTICE UNDER SEC. 80 C.P.C.

To

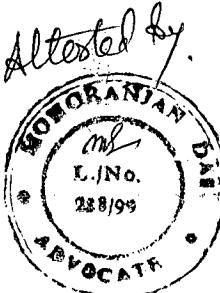
- 1) Union of India,
represented by the Secretary,
Govt of India, Ministry of Communication,
Parliament House,
New Delhi, Pin No. 110001.
- 2) The Director General
Department of Post,
Govt of India, Sansad Marg,
Dak Bhawan,
New Delhi 110001.
- 3) ^{THE} Chief Post Master, General
Assam Circle, Meghdoott Bhawan
Panbazar, Guwahati
Pin 781 001.
- 4) Sri Supdt of Post offices Cachar Division,
Silchar
Pin 788 001.
- 5) Sr. Post Master, Head Post office
Silchar 788 001.

..... Notice Receivers.



- 6) Smti. Sushanta Tanti
widow of late Arjun Tanti (Ex. runner, Dwarband line)
Vill. Chengduar Basti
Ph. Chatlin, P.O. Nunapani, EDX,
P.S. Silchar, Dt. Cachar, Assam

..... Notice Giver.



contd..... 2

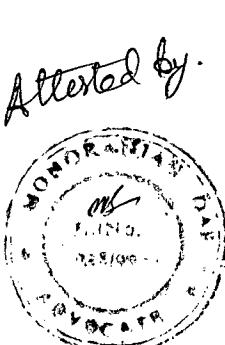
2 FEB 2009

गुवाहाटी सामियन
(Guwahati Bench)

P-14

2
I give this notice as per instructions of my
client Smti. Sushma Tanti widow of late Arjun Tanti
Ex. runner Dwarbund line resident of Village Chengduar
under P.S. Silchar in the district of Cachar, State
Assam for the following reasons:-

1. That the notice giver is the legally married wife of the deceased pensioner Arjun Tanti Ex. Runner of your department. The said Arjun Tanti drew pension upto 27.3.1964 from P.M. Silchar vide P.P.O. No. CA.12353. The said pensioner expired on 27.3.1964, leaving behind his (1) Smti. Sushama Tanti, sole wife notice giver (2) Smti. Fulukumari Tanti, daughter (3) Sri Ananta Tanti son (since died) and (4) Sri Abimanya Tanti son, as his only legal heirs and none else.
2. That, the deceased pensioner opted out of the family pension scheme 1964 in force then and as such the Notice giver was left out and family pension was not granted to her.
3. That, the notice giver is a poor illiterate backward class and a denizen of one of the remote Village. She got a sum of Rs. 37.74 (thirty seven and paise seventy four) only being the undisbursed amount of pension from 1.3.64 to 27.3.64 due to the deceased pensioner, as a widow as per Superintendent of Post offices, Cachar Division, Silchar sanction Memo No. C-3-2/64-65 dated at Silchar the 6th August, 1964 and nothing was paid to her either as family pension or otherwise since 7th August 1964.



2 FEB 2009

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गुवाहाटी बैच
Guwahati Bench

But P.P.O. CA 12353 was taken back by the then Post master Silchar H.P.O on the date of that payment.

4. That, as stated ante, she being an illiterate woman did not heard anything till the end of the year 2000 about the amendments in Family pension rules 1964 entitling her to get family pension vide G.I. Min. of per, Trg.O.M.No.1(11)/85-Pension Unit, dated 18.6.1985.

5. That having been known the fact of her genuine claim, the said notice giver applied to you, the notice receiver no.4, on 11.01.2001 to accord sanction and payment of family pension to the notice giver but you notice receiver No.4 did not even acknowledge her representation for payment of family pension to her not to speak of granting the same, albeit about six months have passed away.

6. That, you the notice receiver no.1 to 5 having full knowledge about the fact of existence of the family of the deceased Arjun Tanti and also having the knowledge of the true intent and purpose of the revised F/P Scheme 1964 along with executive instruction to finalise the genuine claim of the family of the deceased pensioner did nothing and it is the widow of the deceased pensioner, the notice giver who comes up with her claim but even then the right of her family pension by the death of her husband as pensioner remains unsettled mainly due to

Attested by



2 FEB 2009

सुवाहाटी बैचन्स
Suwahat Bench

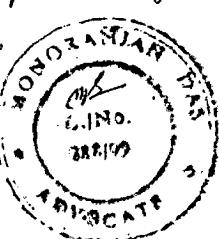
due to the ~~procrastination~~ action of you the notice
receivers.

I, therefore, being instructed by my client
hereby ask you, the above notice receiver no.1 to 5
above to take up the case of the notice given my client
without further delay and do all that pertaining
to the grant of Family pension to the said Sushama
Tanti widow of the deceased, Arjun Tanti Ex Runner
Dwarpund line and ensure regular payment of the same
with that of all arrears of F/P becomes due since the
death of the Ex.runner, and without awaiting next
reminday, failing which ,these will be no other
alternative but to take appropriate action against
you all the notice receiver No.1 to 5 and others
working under ^{interest} against the ~~interests~~ of my client ^{as if} ~~as if~~
you the notice receivers do anything ^{prejudice} ~~prejudiced~~ to
the interest of my client and delay further in
settlement of my client legal claim for family
pension, my client have to take the recourse of
court of law and in that event you the notice
receivers 1 to 5 hold yourself either jointly or
severally liable and responsible for all costs,
compensation and consequence including the cost of
this notice.

Kindly acknowledge receipt.

Shyam Jyoti Paul
Advocate.

JAGATH JYOTTI PAUL
Advocate
District Bar Association
Silchar, Cachar



स्वरूप-22
Corr. 22

Annexure - A4

2 FEB 2009

भारतीय डाक विभाग
DEPARTMENT OF POSTS, INDIA

गुवाहाटी न्यायालय
Guwahati Bench

Recd.

प्रेषक
From

Senior Supdt. of Post Offices,
Cachar Division : Silchar-788001

क्रम संख्या
No.

C2. Pension/Misc

सेवा में
To

दिनांक
Dated on

Smt. Sushma Tanti
W/o Late Argun Tanti
Ex Runner Dwarband
V.I.I - Chengduar Baste
P.O. Nudapam Po. Bayale

Sc. No. 67 2001

Smt. Family Pension Case of Smt. Sushma Tanti
Late Argun Tanti Ex Runner Dwarband

On receipt of your claim application
regarding the above you are requested
to submit PPO book of late Argun Tanti
(husband) to this office. A details of service
Particulars may also please be intimated to
this office for further action.

Senior Supdt. of Post Offices,
Cachar Division : Silchar-788001

Copy to ① The S/o Post Master Silchar etc for infor-
mation & he is requested to send office
Copy of P.P.O. of late Argun Tanti if availa-
ble a pensioner of your office who died
on 27.3.1964

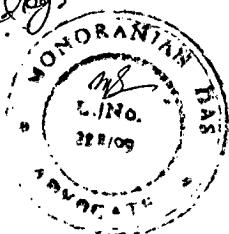
② The Inspector of Posts Silchar West Sub
Dx Silchar for information.

Sd/-

Senior Supdt. of Post Offices,
Cachar Division : Silchar-788001

प्रभास मन्त्री/एप्प (F.U) Smt-1 Postal/95 (SFS)/S-1/5/10 P/11 16-3-95-12-4-95-2,00,000.Pds.

Attested by



The Senior Superintendent of Post Offices', Cachar
Division, Silchar.

Subject:- Grant of Family Pension to Smti. Sushma Tanti
W/O Late Arjun Tanti, Ex-Runner, Dwarbond.

Reference:- Your office letter No. G2- Pension/Misc.
Dated at Silchar, the 6/7/2001.

Sir,

With reference to the above relating to subject
heretofore mentioned, I beg to inform that

(1) The concerned PPO Book No CA 12353 of Late Arjun Tanti (husband) was with me till to the ~~fix~~ date of payment of the arrear of pension due to the deceased and it was made over to the Postmaster Silchar HPO at the time of taking payment of the sum of Rs. 57.74 as sanctioned vide his memo. No. C3-2/64-65, Dtd. Silchar, 6th August, 1964 by the Superintendent of Post Offices' Cachar Dn, Silchar.

(2) The details of service rendered by the deceased to the Department cannot be furnished but it can be rightly mentioned here that the deceased husband during his service life he worked at Aizawl, Monacherra and Dwarbond as class-iv staff and he retired, as I recollect, from the post of Runner Dwarbond line and died while he was a pensioner on 27/3/1964.

I, therefore, in the premises, request your Honour that You would graciously be kind enough accord grant of Family Pension ~~tim~~ to Your applicant with effect from 28.3.1964 at an earliest opportunity, AND for the act of which Your humble petitioner as in duty bound shall ever pray.

Enclosed an Affidavit.

Dated Silchar
11/7/01

Yours faithfully

LI of Smti Sushma
Tanti taken by

Received 16/07/01
Smti. Sushma Tanti,
W/O Arjun Tanti, Ex-Runner Dwarbond
Village-Chengduar Basti
P.O. Munapani, Via- Barjalenga PO
District- Cachar, Assam.

Copy to:-
Attested by
The Sr. Postmaster for information and necessary
action kindly.



Recd No.

To

Annexure - A6

The Dy. Director General (Pension)
O/O the D. G. of Post
Dak Bhawan,
New Delhi-110001.

नियमित प्रशासनिक उचित
Central Administrative Tribunal
2 FEB 2009
जाली नायदी
Guwahati Bench

Re : Family Pension case of Smt. Sushma Tanti, W/O late
Arjun Tanti, Ex-Runner Dwarband line & who died on
27-3-1964 as a pensioner, P.P.O. No. CA-12353.

Respected Sir,

This is in continuation of service of communication followed by personal attendance before your officers at Silchar since long and finally by a Advocate's notice dated 02.7.2001 I prayed for grant of Family Pension but you and your officers pay no heed to a indigent and old feeble woman dying with treatment and food albeit she is entitled and has a rightful claim of Family Pension, kept pending due to lackadaisical action on the part of the Department of Post.

It is a fact that due to any financial constraints I am not in a state to sue against the Department for non-payment of my Family pension over due since 27-3-1964 on which I have fundamental right and it is the duty upon the Department to settle my claim which is not a bounty but still the Department procrastinately delaying the payment for the reason quite unknown to be.

Therefore, I beg to pray before your honour to look into my case personally and sympathetically so that a poor widow will not die in a state of destitution for want of her genuine claim of family pension and deserves settlement at an early date.

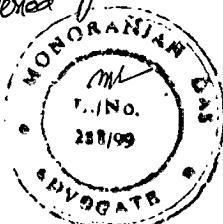
Kindly acknowledge the receipt.

Yours faithfully,

Place :- Silchar

Date : 21/8/02 Aug' 02.

Attested by



(Smt. Sushma Tanti)
W/O Late Arjun Tanti,
Ex-Runner Dwarband line,
Vill. Chengduar, P.O. Nunapani,
Via - Dwarband, Dist. Cachar
(Assam).

भारतीय डाक विभाग
DEPARTMENT OF POSTS, INDIAदेनक
FromSenior Supdt. of Post Offices,
Cachar Division : Silchar-788001सेवा में
To The P.OsSilchar West Sub Dc
Silchar-1

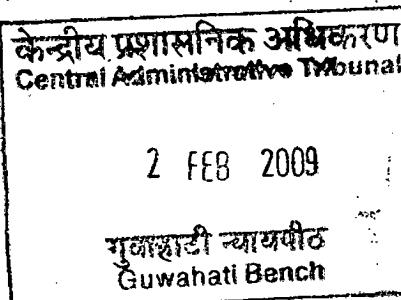
क्रम संख्या

No. C2 - Pension/Misc (Silchar-Sub Dc) Dtd 5.1.10 T-
200Sub:- Family Pension Case of ^{प्रमाणान्तर} Smt Sushma Tanti
^{Subject} W/o Late Argun Tanti Ex Runner Dwarband
of who died on 27.3.1964.

Please refer to this office letter of even no dt 6.7.2001 addressed to Smt Sushma Tanti & a copy was endorsed to you regarding the collection of Family Pension Case of Smt Sushma Tanti. In this connection the following forms (in duplicate) are sent herewith for your necessary action. Self Photo of Smt Sushma Tanti may also be obtained in duplicate.

- ① Form-14
- ② Form-7
- ③ Statement of family Members
- ④ S.S.Slip
- ⑤ Descriptive Roll

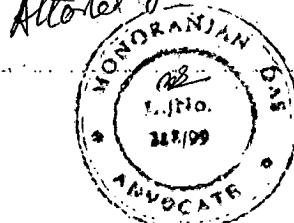
Please treat this urgent.



Senior Supdt. of Post Offices,
Cachar Division : Silchar-788001

W/F

प्रभासगु सन्त/ MGIP (F.U) Cmt-1 Postal'93 (SFS)/S.1/6/10 Pf-II 16.2.2009-12.1.2009-2,00,000 Pads.



Department of Posts: India

Inspector Posts
O/S The
Silchar West Sub-Div.
Silchar-788001

केन्द्रीय प्रशासनिक अधिकारपाल
Central Administrative Tribunal

To

IRI So. Seupt. of P.Os
Cachar Dist, Silchar-1.

2 FEB 2009

गुवाहाटी न्यायालय
Guwahati Bench

No. A1/Pension/Misc. dated at ~~Sc/No. 12/8/03~~

Sub:- Family pension case of Smli Susharma
Tanti, w/o. Late Arjun Tanti, Ex-Renner
Dwarband & Ex-pensioner, holder of
PPO No. CA-12353 who expired on 27/3/66.

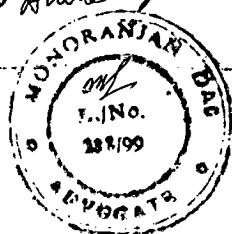
Ref:- Your No. C2-Pension/Misc (Smli Susharma
Tanti) dated 18/3/02, 12/12/02 & 24/3/03.

With reference to your letter no. cited above, the following documents/forms in c/w the subject above and for identity of the claimant, duly filled up, verified/attested by the undersigned, are forwarded herewith for favour of your kind disposal.

- 1) Form III in duplicate.
- 2) Form - 16 in duplicate alongwith its enclosures viz. - Specimen signature/Thumb impression of the claimant on 6 different sheets, 3 copies of passport size photographs, & descriptive note of the applicant.
- 3) Form - 12
- 4) Declaration of Smli Fulkumari Tanti and Sri Abhimanya Tanti.
- 5) Photocopies of identification/residential certificate issued by the President, Digar Srikara Alambag G.P.
- 6) Photocopies of D.O. Memo. No. C3-2164-65 dt 6/8/64.
- 7) Photocopy of the copy of Voter's List for the year 1966 issued by the Electoral

Attested by

Contd - 2



Page - 2

Registration Officer, LAC Algaper.

8) Photocopy of Affidavit dtd 7/7/08 issued by the Judicial Magistrate, 2nd Class, Silchar.

Enc -

As stated above

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

2 FEB 2009

SDF

(K. Nath)

Inspector Posts
Guwahati Bench Silchar West Sub-Div
Silchar-788001

Copy to:-

Smti. Sesdarma Tamli, W/o Lati, no.
Arijan Tamli, Vill - Chingduar H/2, 10 -
Nienapani TE, via - Barjaluwa S.O., Dist -
Cacher for information.

Attested by:

Inspector Posts
Silchar West Sub-Div.
Silchar-788001

प्रमाण प्रबन्धालय - 22
फॉर्म 22

भारतीय डाक विभाग

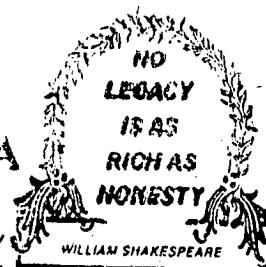
DEPARTMENT OF POSTS, INDIA

प्रेषक
FromSenior Supdt. of Post Offices,
Other Division : Silchar-788001

क्रम संख्या

No. C2 - Pension / Misc

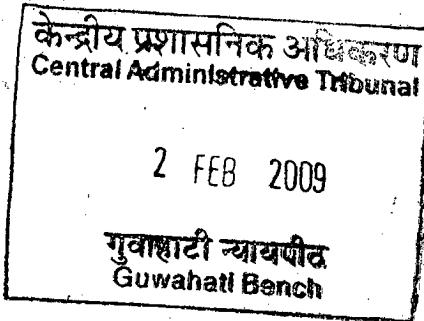
सेवा में



To Shri. M. S. Mondal,

Sr. Accounts Officer, Post-I Section,
010 the General Manager (PA & Finance)
West Bengal Postal Circle, Kolkata.

Dated at Silchar the 18-08-03.



विषय

Subject Family Pension - Case of

Smti. Sushma Tanti, w/o late Rajen Tanti.
Ex. Runner, Dwarband line who
expired on 27-03-1964.

Ref: PPO No. CA- 12353

Rajen Tanti, Ex. Runner, Dwarband line and malek of P.P.O No. CA- 12353 expired on 27-3-1964. His wife, Smti. Sushma Tanti has applied for family Pension.

The following documents are enclosed

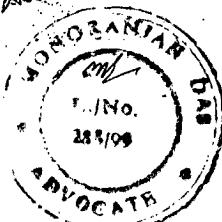
for early settlement of the long pending case.

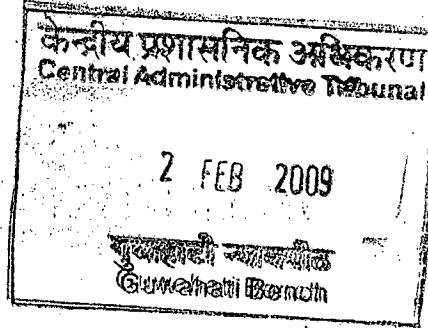
- ① Form 14 + 18
- ② R.T.I of Smti. Sushma Tanti.
- ③ Descriptive Roll of Smti. Sushma Tanti.
- ④ Family St. of Smti. Sushma Tanti
- ⑤ Photo copy of identification & residential certificate issued by the Peasant, Digharikona Gram P.
- ⑥ Photocopy of the affidavit dt. 7/7/03.

6000 Posts/Print Co. SDPL-3/pg. 2002/B Dl. 25.2.03

Attested by

K.T.O.



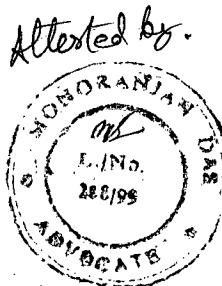


- ⑦ Declaration Smti. Fuldeumari Tanti, daughter and
Sri Shrimanya Tanti, Son.
- ⑧ Application of Smti. Sushma Tanti.
- ⑨ Affidavit - dt. 11/7/01.
- ⑩ Three copies photograph of Smti. Sushma Tanti.
Enclo. As above.

sd/-
Senior Supdt. of Post Offices,
Cachar Division : Silchar-788001

Copy forwarded to Smti. Sushma Tanti, w/o hali
Bijen Tanti, Vill. Chorgaonkheri, BPO Nuranpuri,
via. Bagatongra dist. Cachar for information.
She is requested to send the health certificate
of hali Bijen Tanti.

SD/-
Senior Supdt. of Post Offices,
Cachar Division : Silchar-788001



Attested by.

Annexure - A-10

DEPARTMENT OF POSTS:INDIA
OFFICE OF THE SENIOR SUPDT OF POST OFFICES
CACHAR DIVISION: SILCHAR-788001

To

Shri Abhimanyu Tanti
S/O Late Arjun Tanti
Vill Chengduar Part II
P.O. Noonpani P.S. Silchar

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

2 FEB 2009

गुवाहाटी न्यायालय
Guwahati Bench

No: C2-Pension/ Misc

Dated at Silchar the 09-01-2006

Sub: Claim for life-time arrears of family Pension – case of Late Sushma Tanti
who expired on 15-03-05.

Ref: Your letter no. Nil dtd 29-06-2005

Please obtain and forward the following documents to this office
immediately for onward transmission to General Manager (Postal
Accounts & Finance) Kolkata.

- 1. Succession certificate from the Court of Law indicating life-time arrears of family pension due to Late Sushma Tanti, wife of Late Arjun Tanti, holder of PPO No. CA – 12353
- 2. Photographs 3 copies *to L.P.B. 3-7-06, with F/T impression, 1/nano*
- 3. Near relative certificate in respect of Late Arjun Tanti issued by an authority competent to issue such certificate.
- 4. Certificate of genuineness of the claim/ claimant.
- 5. Original copy of PPO bearing no. CA-12353.
- 6. Consent letter from other children of Late Arjun Tanti.

The following forms are sent herewith for resubmission of the same, after duly filled in, through Inspector of Posts, West Sub Division, Silchar. Any delay will delay the settlement of the case.

1. Specimen signature cards
2. Descriptive roll

Attested by:
(B. K. MARAK)

Senior Supdt. of Post Offices
Cachar Division: Silchar-788001



P-26
119

Notice under Section 80 C.P.C.

Annexure - A-11

MONORANJAN DAS, LLB,

Advocate

District Bar Association, Silchar
Phone-03845 269021 (Chamber)
Mobile- 09435173832.

Dated, Silchar, February, 7, 2006

केन्द्रीय प्रशासनिक अदायक राय
Central Administrative Tribunal

2 FEB 2009

गुवाहाटी ब्रॉन्च
Guwahati Branch

To,

1. The General Manager
(Postal Accounts & Finance), Kolkata
2. Senior Superintendent of Post Offices.
Cachar Division, Silchar.

Re: Life time arrears of Family Pension- case of Smt. S. Tanti, widow of Late Arjun Tanti. PPO No.- 12353.

Ref.: S.S.P.Os. Silchar, letter No.-C2-Pension/Misc. Dated at Silchar, the 09/01/2006.

Sir,

With reference to the above, I have received instruction from my clients; (1) Sri Abhimanyu Tanti, (2) Smt. Fulukumari Tanti and (3) Sri Ananta Tanti, sons and daughter of late Sushma Tanti and Late Arjun Tanti, of village-Chengduar, P.O Nonapani, P.S.- Silchar, District- Cachar, Assam, to serve this notice cum reply to your above referred letter and once again remind you to cause earliest payment of all arrears of family pension, due to Late Sushma Tanti, widow of Late Arjun Tanti, within two months from the date of receipt of this 2nd time notice (1st one given on 01/7/2001 Under the instruction of Smt. Sushma Tanti).

1. That, you the notice receiver No.1 directed through the notice receiver No.2 to submit- (1) Specimen Signature Cards and, (2) Descriptive Roll through I.P.Os' West Sub-Division, Silchar duly filled in by my client, Sri Abhimanyu Tanti. Undoubtedly, these will be submitted along with succession certificate.
2. That, you the notice receivers are well aware of the fact that succession certificate can be granted against a valuable security viz. for security-value of which is mentioned, but in the letter from S.S.P.Os. Cachar, Silchar, Value or amount of arrear of Family Pension due to Late Sushma Tanti has not been mentioned.
3. That, once Succession Certificate is issued there is apparently no need of obtaining Near Relative Certificate,

Attested by.



2 FEB 2009

गुवाहाटी ब्रॉन्च
Guwahati Branch

P-27
220

2

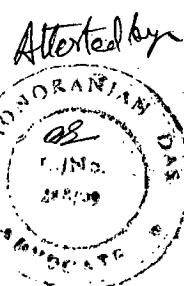
4. That, the certificate of genuineness of the claim and claimant is a matter of Postal Deptt. job. The authority may adopt ways and means for their satisfaction. However, when a succession certificate is issued by the District Judge, there is left no room of doubt as to the veracity of claim/claimant.
5. That, as regards original P.P.O. please refer Para-3 of the notice dated 02/7/2001 from Sri A. Paul, Advocate, Silchar, wherein plainly stated that P.P.O. No.-12353 was taken back by the Post Master, Silchar Head Post Office, on the date of payment of arrear of pension in 1964.
6. That, it is very much clear from the fact that the Postal Deptt. lackadaisically delaying the genuine claim of family pension firstly to a sick and old widow since 18/6/1985, the date of amendment of family pension scheme and secondly since 11/01/2001 when Late Sushama Tanti applied for family pension. Late Sushama Tanti submitted all forms for family pension through I.P.O., West Sub-Division, Silchar and the I.P.O. (West) Silchar sent those forms to you, the above named notice receiver No.-2 on 12/8/2003.
7. That, now my client Sri Abhimanyu Tanti, S/O Late Arjun Tanti received same forms for resubmission through I.P.O.(West) Silchar which is incongruous as because Sri Abhimanyu Tanti does not claim family pension but he with other heirs of Late Sushama Tanti claim the arrears of family pension of late Sushama Tanti.
8. That, to follow your latest direction, a succession certificate is required to be obtained from District Judge, Cachar, Silchar, but to file petition for succession certificate amount of arrears is to be mentioned in the petition for succession certificate.

It is, therefore, by this notice, I once again remind you the notice-receivers above named, that kindly inform/communicate my clients the amount of arrears due to the deceased Sushma Tanti as her life time family pension against which required succession certificate can be obtained. This information may be given within a period of two months from the date of receipt of the notice, failing which my client have no other alternative but to take recourse of law and in that event you the notice receivers No 1 and 2 will hold yourselves liable and responsible for the loss, compensation and cost including the costs of the notices.

Kindly acknowledge receipt.

Yours faithfully

(Monoranjan Das)





रेखा में

प्रेषक
Fromग्राम पत्रिका (पुस्तक शैला एवं प्रति 1 रु. 8.2.2006)
Office of the General Manager (PAF)
पश्चिम बंगाल डाक संकारण को काला
West Bengal Postal Circle, Kolkata

फ्रम संख्या

No Pen - I / Misc/Fe/SC/Smt. Surkma Tanti

दिनांक

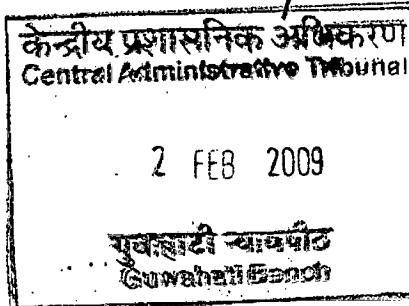
/ Dated at

3.7.06

2006/P-2522

विषय

Subject:

Claim for life-time arrears of
Family Pension — case of
Smt. Surkma Tanti w/o Late
Aijun Tanti; holder of PPO
No: CA - 12353

In view of the Advocate's Notice served on 7.2.2006 (a copy enclosed) regarding the settlement of the claim of life-time arrears of Family Pension due to Late Surkma Tanti w/o Lt. Aijun Tanti, you are requested to refer to this Office letter of even No: P- 7792 dt 15.12.05. The necessary and proper documents required to process the case have still not been received at this end. Kindly expedite the matter, as already a lot of time has lapsed.
This may kindly be treated as urgent.

Encls: as above.

Sd/-
Accounts Officer - Ban. - I

No: P- 2523

Dated: 3.7.06

Copy to: Shri Monoranjan Das, LLB.

Advocate,

Dist. Bar Association, Silchar. Please find enclosed a copy of this Office letter of even No: P- 7792 dt 15.12.05 for reference.

10,000 Pads Print Co. SDP/L-12/Plg. 04/B. Dt. 21-12-2004

Date 3/7/06
Agree... Officer in charge

Attested by:



OFFICE OF THE GENERAL MANAGER (POSTAL ACCOUNTS & FINANCE)

WEST BENGAL POSTAL CIRCLE, KOLKATA

No. Pen-I/Misc/PP/SC/Smt. Sushma Tanti/2003/P-7792 Dt: 15.12.05

To
 The Sr. Supdt of POs,
 Cachar Division,
 Silchar- 788 001.

केन्द्रीय प्रशासनिक अधिकारी
 Central Administrative Tribunal

21/FFB 2009

Sub:- Claim for life-time arrears of family pension case of Smt. Sushma Tanti reported to have been expired on 15.03.05, stated to be the w/o Late Arjun Tanti, Ex-Runner, Dwarbond Line, h/o PPO NO CA 12353 and expired on 27.03.64.

Your office letter no. C2-Pension/Misc dated 21.11.05 on the subject captioned above may kindly be referred to.

On careful scrutiny of the documents, it is observed that Arjun Tanti, Ex-Runner, Dwarbond Line, h/o PPO NO. CA 12353 i.e. reported to have expired on 27.03.64 and after a lapse of almost 40 years, a claim is reported to have been preferred by Smt. Sushma Tanti, as informed in your letter no. C2-Pension/Misc dated 18/08/03. In this connection the detailed procedure required to be followed by your office towards settlement of instant case had been discussed in this office letter of even no. P-6973 dated 05/11/03. It is a matter of regret that no fruitful action towards settlement of instant case is found to have been initiated prior to the date of death of Smt. Sushma Tanti i.e., on 15.03.05.

Now one Shri Abhimanyu Tanti stated to be the s/o Late Arjun Tanti and Late Sushma Tanti preferred Life-time arrears of family pension due to his mother Smt. Sushma Tanti following date of death of Late Arjun Tanti w.e.f. 27.05.64 to 15.03.05. In this connection your attention is being further drawn to GIOM No. 1(11)-85/PU-dated 18.06.85, which is self-explanatory in this regard.

However, Life-time arrears of family pension due to Late Sushma Tanti stated to be the w/o Late Arjun Tanti will be admissible pertaining to the period from 22.09.77 to 15.03.05 subject to fulfillment of GIOM dated 18.06.85 and availability of the documents mentioned hereunder:-

1. Administrative sanction in Annexure-I in duplicate indicating Life-time arrears of family pension due to Late Sushma Tanti w/o Late Arjun Tanti.
2. Succession Certificate from a Court of Law from the legal heir indicating amount of Life-time arrears of family pension due to Late Sushma Tanti.
3. Claim application in prescribed form as required under GIOM dated 18.06.85.
4. Photographs(3 copies), SS/TI Cards, Descriptive Roll etc from the claimant with due attestation thereon.
5. Near relative certificate in respect of Late Arjun Tanti issued by an authority competent to issue such certificate.

contd....p-2.....

Affixed by -



6. Certificate of genuineness of the claimant.
7. Both halves of PPO bearing No. CA 12353.

The documents as mentioned above should be routed through DA(P), Assam Circle, Guwahati for further course of action.

SD/-

(D. P. GHOSH)
Accounts Officer/Pension I Section.

Annexure - A-14

P-30
(2)

DEPARTMENT OF POSTS:INDIA
OFFICE OF THE SENIOR SUPDT OF POST OFFICES
CACHAR DIVISION: SILCHAR-788001

केन्द्रीय प्रशासनिक अधिकार
Central Administrative Tribunal

To

Shri Abhimanyu Tanti
S/O Late Arjun Tanti
Vill Chengduar Part II
P.O. Noonpani P.S.Silchar

2 FEB 2009

गुवाहाटी न्यायालय
Guwahati Bench

No: C2-Pension/ Misc

Dated at Silchar the 26-09-2006

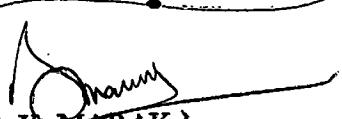
Sub: Claim for life time arrear of family pension case of Late Sushma Tanti W/O
Late Arjun Tanti, holder of PPO No. CA-12353

Please refer to the notice dtd 07-02-06 on the above mentioned
subject.

In this context, it is intimated that the life time arrear of family
pension for the period from 22-09-1977 to 15-03-05 due to Late Sushma Tanti
comes to Rs 2,77,799/-.

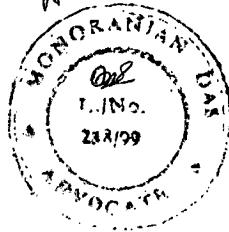
You are requested to submit the following documents to this office
immediately for early settlement of the case.

- A. Succession certificate from the Court of Law.
- B. Consent letters from all surviving children of Late Sushma Tanti.
- C. Duly filled in application form which is enclosed.


(B. K. MARAK)

Senior Supdt. of Post Offices
Cachar Division: Silchar-788001

Attested by.



P- 31
125

Annexure - A-15

To

The Senior Superintendent of Post Offices,
Cachar Division, Silchar.

Subject: Prayer for payment of sum of Rs.2,77,799/- being the
arrear of family pension due to deceased Sshma Tanti
W/O late Arjun Tanti, holder of PPO No. CA-12353.

Refer to your office letter No C2-Pension Misc.Dated at
Silchar the 26-09-2006

Sir,

With reference to the above and in the subject matter hereinbefore, I, the undersigned beg to inform you that the Additional District Judge, Cachar, Silchar, in Misc(Succ) Case No. 18/07, issued Cuccession Certificate vide order Dated 13th June 2007, and empowered me to collect the aforesaid sum on behalf of all the claimants/heirs of the deceased Sushma Tanti who expired on 15/3/2005. The consent letters from the heirs, in view of the order of the court in Succession certificate itself, apparently is no longer required in this case.

It is, therefore, prayed that your honour would be kind to order payment of the said sum of Rs. 2,77,299/- to me, as ordered by the Addl. District Judge, at the earliest.

And

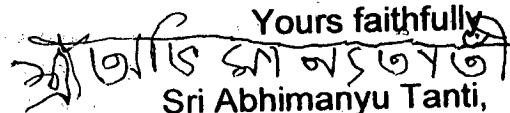
For the act of which your humble applicant as in duty bound shall ever pray.

Enclosed:-a) Copy of Succession Certificate
b) Attested copy of Death Certificate of Sushma Tanti.

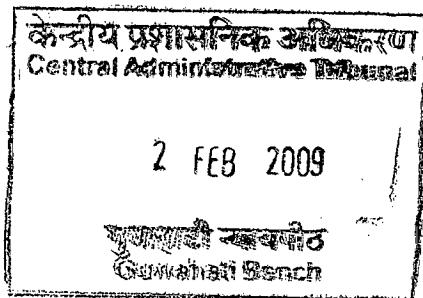
Date

2/7/07

Yours faithfully


Sri Abhimanyu Tanti,
S/O Late Arjun Tanti & Late Sushma Tanti
Vill.- Chengduar-II. PO- Neoppani,
P.S. Silchar

Attested by.



Annexure - A-16

5000 Rs.



HIGH COURT FORM NO. (1) 35

In the Court of the Additional District Judge, Cachar, Silchar.

SUCCESSION CERTIFICATE.

Misc. (s/c) Case No. 18/07

केन्द्रीय प्रशासनिक अधिकार अधिकारी
Central Administrative Tribunal

10.

1. Sri Abhimanyu Tanti (son)
2. Smt. Fulkumari Tanti (Daughter)
3. Sri Babla Tanti
s/o Late Ananta Tanti

2 FEB 2009

गुवाहाटी न्यायालय
Guwahati Bench

ALL are residents of Village - Chengduar, Part-II,
P.O. Noonpani, P.S. Silchar, District - Cachar,
Assam.

— Petitioners.

Whereas you applied on the 1st day of
February, 2007 for a Succession Certificate u/s 372
of the Indian Successions Act, 1925 in the matter
of the estate of deceased Sushma Tanti in respect
of the following debts and securities namely:—

Attested by:



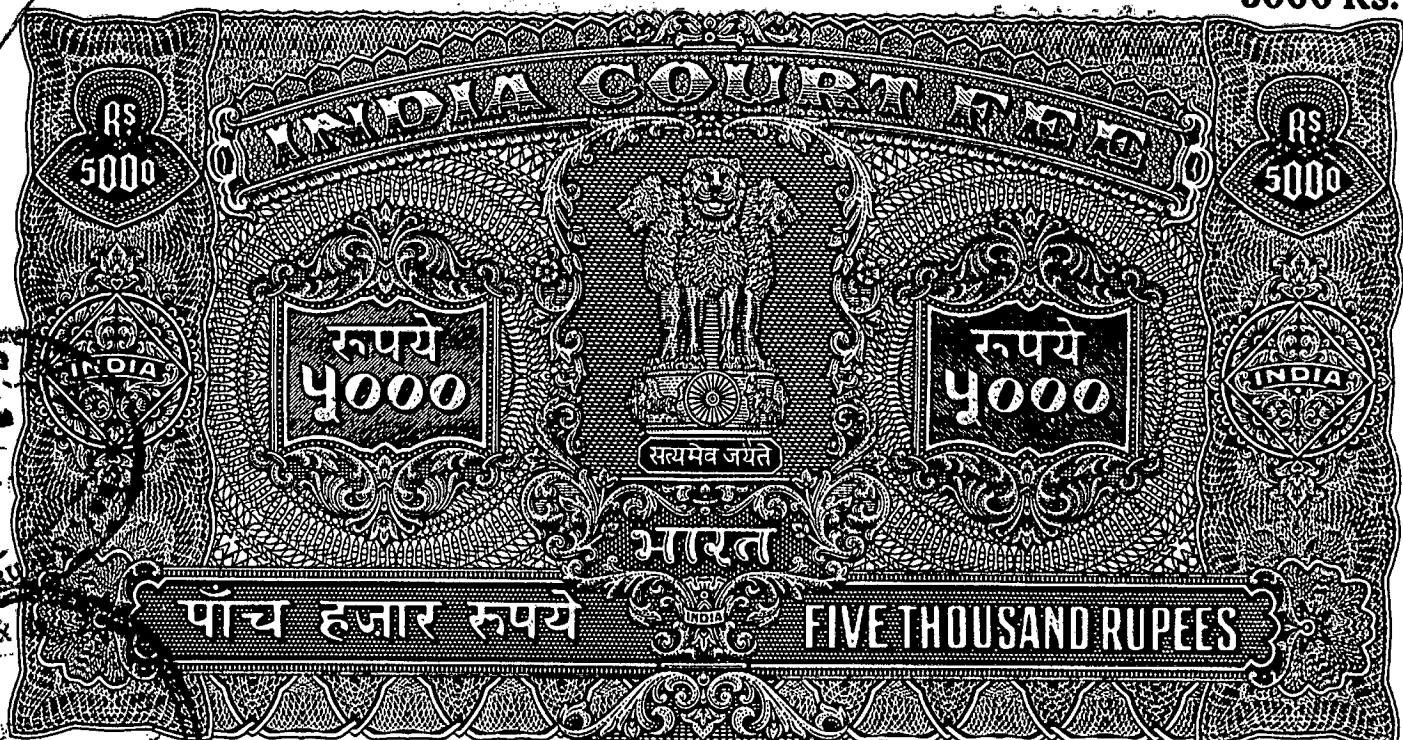
Addl. District Judge
Cachar, Silchar
13/6/07

Contd. to. p. (2)

P-33

Assam - A-16

5000 Rs.



P. (2)

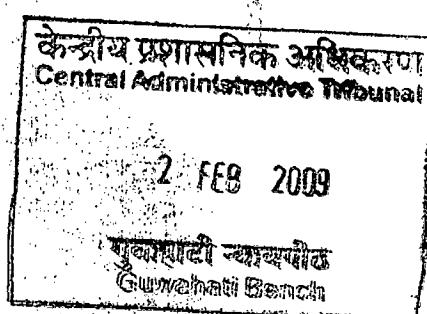
In the Court of the Additional District Judge, Cachar, Silchar.
Misc. (s/c) Case No. 18/07

Sl No.	Name of the debtors	Amount	Particulars of debts and securities by which the debt is secured.
1	2	3	4
1.	Senior Supdt. of Post Offices, Cachar Dvn., Silchar.	Rs. 2,77,799/-	Family pension for the period from 22.9.77 to 15.3.05
Total: Rs. 2,77,799/-			

(Rupees Two lacs seventy seven thousand seven hundred and ninety nine) only

This certificate is granted to you and empowered Petitioner No. 1. Sri Abhimanyu Tanti to collect this debts. 8. (1) to receive interests or dividends (2) to negotiate or transfer the securities or any of them.

Attested by: Dated the 13th day of June 2007.



Additional District Judge
Cachar, Silchar
13/6/09

A-17

Form No. 6
ফর্ম নং ৬

Addl. Dist. Judge, Cachar, Silchar

Sl. No.

0009852

Exb. 1.

৭/৫/০৫



৭.৫.০৫
Addl. Dist. Judge
Cachar, Silchar

সত্যবর্জন

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

কেন্দ্ৰীয় প্ৰশাসনিক অধিকৰণ
Central Administration Bureau

2 FEB 2009

গুৱাহাটী ব্যায়ব্যৱিষ্ট
Guwahati Bench

ISSUED UNDER SECTION 12/17 of the Registration of Births 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..... 2005 - Borkhola P.H.C
Registration unit of Borkhola P.H.C of District, Cachar, of the State of Assam.

ইয়াৰ দ্বাৰা প্রমাণিত কৰা হয় যে নিম্ন লিখিত তথ্য অসম বাজাৰ ----- জিলাৰ ----- থওৰ/
পৌৰসভাৰ ----- মৌজাৰ অঙ্গত ----- পঞ্জীয়ন গোটোৰ পঞ্জীৰ মূল অভিলেখৰ পৰা
সংগ্ৰহীত কৰা হৈছে।

Sushoma Tanti

Name/নাম

Female

Sex/লিঙ্গ

Date of Death/মৃত্যুৰ তাৰিখ

15 - 03 - 2005

Place of Death/মৃত্যুৰ স্থান

Changdeore - ১

Registration No./পঞ্জীয়ন নং

01 - 04 - 05

Date of Registration /পঞ্জীয়নৰ তাৰিখ

Late : Arjun Tanti

Name of Father/Mother/Husband

(পিতৃ/মাতৃ/ধৰ্মীৰ নাম)

Signature of issuing authority/নির্দেশক পত্ৰীকা

Designation/পদবী

Date/তাৰিখ

Seal/স্কেল

REGISTRAR BIRTH & DEATH

BORKHOLA P.H.C

25-4-05

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

Altered by -



DEPARTMENT OF POSTS: INDIA.

to the

~~Regd/~~ To

Shri Abhimanya Tanti;

S/o late Arjun Tanti,

vill. - Chingdara - II, P.O. Noorpani,

via. - Bajalenga, P.S. Silchar.

Senior Staff of Post Office,
Cachar Division : Silchar-786001

No. C2 - Pension / Misc. dated at Silchar the 04/02/08.
 Sub: Claim for life-time arrear of Family-Pension
 — Case of late Seshma Tanti, w/o late
 Arjun Tanti, holder of PPO No. CA-12353.

The General Manager (PA&F)
 Kolkata has intimated that there is absolutely
 no scope to initiate any action towards
 settlement of the life-time arrear claim of
 late Seshma Tanti. This is for favour of your
 information.

Attested by



केन्द्रीय प्रशासनिक अधिकारण Central Administrative Tribunal	
2 FEB 2009	
गुवाहाटी न्यायालय Guwahati Bench	

Senior Staff of Post Office,
Cachar Division : Silchar-786001

OS

2 Feb 2009

General Secretary

Annexure - A-19

Page 36

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CCS (PENSION) RULES

[RULE 54

However, we have dealt with the aspect in the above para. on the related aspect and Department is supposed to obtain legal opinion as and when a concrete case arises. If necessary, matter may be discussed.

[Min. of Law (Dept. of Legal Affairs), U.O. No. 23/26/88-Adv. (B), dated the 2nd August, 1988 and C. & A.G.'s Endt. No. 1513-A/(II)/88, dated the 23rd December, 1988.]

54. Family Pension, 1964

(1) The provisions of this rule shall apply—

- (a) to a Government servant entering service in a pensionable establishment on or after the 1st January, 1964; and
- (b) to a Government servant who was in service on the 31st December, 1963 and came to be governed by the provisions of the Family Pension Scheme for Central Government Employees, 1964, contained in the Ministry of Finance, Office Memorandum No. 9 (16)-E. V (A)/63, dated the 31st December, 1963, as in force immediately before the commencement of these rules.

[NOTE.— The provisions of this rule will also extend, from 22nd September, 1977, to Government servants on pensionable establishments who retire/died before 31-12-1963, as also to those who were alive on 31-12-1963, but had opted out of 1964 Scheme.]

(2) Without prejudice to the provisions contained in sub-rule (3), where a Government servant dies—

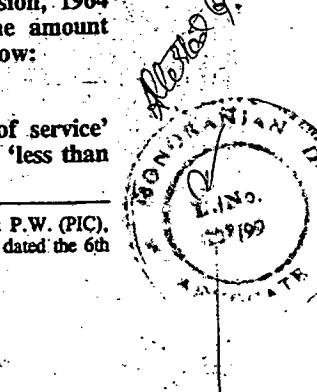
- (a) after completion of one year of continuous service; or
- (aa) before completion of one year of continuous service provided the deceased Government servant concerned immediately prior to his appointment to the service or post was examined by the appropriate medical authority and declared fit by that authority for Government service; or
- (b) after retirement from service and was on the date of death in receipt of a pension, or compassionate allowance referred to in Chapter V, other than the pension referred to in Rule 37,

the family of the deceased shall be entitled to Family Pension, 1964 (hereinafter in this rule referred to as family pension) the amount of which shall be determined in accordance with the Table below:

Not printed. See GID (25) below this rule.

EXPLANATION.— The expression 'continuous one year of service' wherever it occurs in this rule shall be construed to include 'less than one year of continuous service' as defined in Clause (aa).

1. Inserted by G.I., Dept. of P. & P.W., Notification No. 2/18/87/P. & P.W. (PIC), dated the 20th July, 1988, published as S.O. No. 2388 in the Gazette of India, dated the 6th August, 1988.



RULE 54]

REGULATION OF AMOUNTS OF PENSIONS

107

(2-A) The amount of family pension shall be fixed at monthly rates and be expressed in whole rupees and where the family pension contains a fraction of a rupee, it shall be rounded off to the next higher rupee:

Provided that in no case a family pension in excess of the maximum prescribed under this rule shall be allowed.

(3) (a)(i) Where a Government servant, who is not governed by the Workmen's Compensation Act, 1923 (8 of 1923), dies while in service after having rendered not less than seven years' continuous service, the rate of family pension payable to the family shall be equal to 50 per cent of the pay last drawn or twice the family pension admissible under sub-rule (2), whichever is less, and the amount so admissible shall be payable from the date following the date of death of the Government servant for a period of seven years, or for a period up to the date on which the deceased Government servant would have attained the age of 65 years had he survived, whichever is less.

(ii) In the event of death of a Government servant after retirement, the family pension as determined under sub-clause (i) shall be payable for a period of seven years, or for a period up to the date on which the retired deceased Government servant would have attained the age of 65 years had he survived, whichever is less.

Provided that in no case the amount of family pension determined under sub-clause (ii) of this clause shall exceed the pension authorized on retirement from Government service:

Provided further that where the amount of pension authorized on retirement is less than the amount of family pension admissible under sub-rule (2), the amount of family pension determined under this clause shall be limited to the amount of family pension admissible under sub-rule (2).

EXPLANATION.— For the purpose of this sub-clause, pension authorized on retirement includes the part of the pension which the retired Government servant may have commuted before death.

(b) (i) Where a Government servant, who is governed by the Workmen's Compensation Act, 1923 (8 of 1923), dies while in service after having rendered not less than seven years' continuous service, the rate of family pension payable to the family shall be equal to 50 per cent of the pay last drawn or one and a half times the family pension admissible under sub-rule (2), whichever is less.

(ii) The family pension so determined under sub-clause (i) shall be payable for the period mentioned in Clause (a):

1. See also GID (27) below this rule.

Pension for 30½ years of QS:

$$\text{Rs. } 3,430 \times \frac{61}{2 \times 33} = \text{Rs. } 3,171 \text{ p.m. (rounded)}$$

Retirement Gratuity:

Emoluments reckoning for gratuity

Retirement gratuity admissible:

1/4 th 'emoluments' for each completed six-monthly period (i.e., half-yearly period) of qualifying service subject to a maximum of 16½ times 'emoluments' or Rs. 1 lakh

Family Pension:

15% of pay subject to a minimum of Rs. 600 and a maximum of Rs. 1,250 p.m. (Basic Pay Rs. 6,700 + Stagnation Increment Rs. 200)

In the event of death of the pensioner immediately after retirement, the family pension is payable at the enhanced rate of Rs. 2,070 p.m. from the date following the date of his death up to the date on which the pensioner would attain the age of 65 years, if he had survived or for a period of 7 years, whichever is earlier. Thereafter the family pension is payable at the normal rate of Rs. 1,035 p.m.

NOTE 1.—With effect from 1-1-1986, there is no ceiling on reckonable 'emoluments' for calculating Retirement/Death Gratuity.

NOTE 2.—The amount of pension worked out under the revised formula is related to the maximum qualifying service of 33 years. For Government servants who, at the time of retirement, have rendered qualifying service of 10 years or more but less than 33 years, the amount of their pension will be such proportion of the maximum admissible pension as the qualifying service rendered by them bears to the maximum qualifying service of 33 years.

NOTE 3.—In calculating the length of qualifying service for pension and Retirement/Death Gratuity, fraction of a year equal to 3 months and above but less than 9 months should be reckoned as completed one half-year; fraction of a year equal to 9 months and above should be reckoned as completed two half-years, i.e., one full year.

NOTE 4.—Stagnation increment shall be treated as 'emoluments' for the purpose of calculating retirement benefits *vide* Explanation below Rule 33, CCS (Pension) Rules, 1972. It should be taken into account for family pension and death gratuity also.

कानूनी प्रशासनिक अधिकार
Central Administrative Tribunal

2 FEB 2003

ग्रन्थालय
गोपनीय विभाग



P-36 (a)

Family Pension, 1964

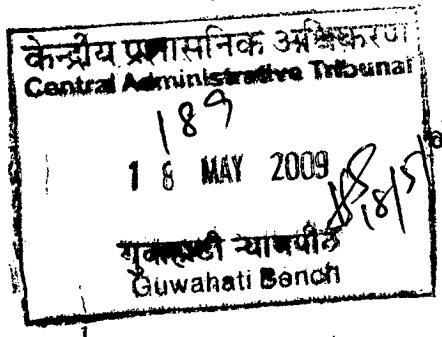
The New Family Pension Scheme, 1964, has been titled as "Family Pension, 1964" in the Central Civil Services (Pension) Rules, 1972. [The Central Government servants who enter service on or after 1st January, 1964, are governed by this scheme. The Central Government servants who were in service on 31st December, 1963, and were governed by the Liberalised Pension Rules, 1950, either wholly or partially were given an option to retain the benefits of the Family Pension Scheme, 1950 (i.e., Family Pension Scheme as contained in the Liberalised Pension Rules), if they so desired. Persons who did not exercise any such option were deemed to have elected the Family Pension, 1964, Scheme.]

The benefit of this new family pension scheme has been extended from 22-9-1977 also to Government servants on pensionable establishments who retired/died before 31-12-1963 as also to those who were alive on 31-12-1963 but had opted out of this scheme, *vide* G.I., Min. of Per. & Trg., O.M. No. 1 (11)/85-Pension Unit, dated 18-6-1985.

This is a scheme of social security introduced with effect from 1st January, 1964, and is intended to be an improvement over the provisions existing prior to that date. Under the old provisions (*Family Pension, 1950*) a Government servant had normally to complete 20 years qualifying service for becoming entitled to 'family' pension benefits. Cases of less than 20 years' qualifying service were considered on merits. The duration of 'family pension' was also limited. The Family Pension, 1964, Scheme gives a life pension to the widow/widower of the Government servant.

To whom admissible.—The Family Pension, 1964, is admissible to the family of a deceased Government servant, where he dies (a) after completion of not less than one year's continuous service or before completion of one year of continuous service if the deceased Government servant immediately prior to his appointment was medically examined and declared fit for Government service; (b) after retirement from service and was in receipt of pension on the date of death. A Government servant who retires from service before completing 10 years qualifying service is not entitled for the payment of pension; but is entitled to only service gratuity. If such a person dies after retirement, his family will not be eligible for the grant of Family Pension, 1964. 'Continuous service' means service rendered in a temporary or permanent capacity in a pensionable establishment and does not include (i) period of suspension, if any, and (ii) period of service, if any, rendered before attaining the age of eighteen years.

The liberalised provision extending the benefit of Family Pension, 1964, to the families of Government servants who die while in service before completion of one year's continuous service came into force from 27-1-1979 and is applicable in the cases of death of Government servants while in service taking place on or after 27-1-1979.



Filed by
The Respondents through
Moksha Das

Attm. Class
18/5/2009

131

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

IN THE MATTER OF

OA NO. 10/2009

Shri Abhimanya Tanti

... Applicant

-Versus-

Union of India & others

.... Respondents

-AND-

IN THE MATTER OF

Written Statement submitted by the Respondent No. 1 to *W.D.*

WRITTEN STATEMENT:

The humble answering respondents submitted their written statement as follows:

1(a) That I am *Deenishwar Ranjan Roy*

... son of late Krishnach Roy

..... and respondent No. 4 (*four*) in the above case. I have gone through a copy of the application served on me and have understood the contents thereof. Save and except whatever is specifically admitted in this written statements, the contentions and statements made in the application and authorized to file the written statement on behalf of all the respondents.

2) The BRIEF HISTORY OF THE CASE is appended below, and the same may be treated as the integral part of this reply.

BEFORE HISTORY OF THE CASE

Late Arjune Tanti, who was an ex-runner & the holder of PPO Book No. - CA-12353, died while he was a pensioner on 27.3.1964 leaving the following minor sons/daughter and his wife.

- a) Smt. Ful Kumari Tanti ----- Daughter.
- b) Shri Ananta Tanti ----- Son
- c) Shri Abhimanya Tanti ----- Son

Received
Copy of W.S.
on 18.5.09.
M. T. A.
Advocate
for Appellant.

18 MAY 2009

गुवाहाटी न्यायालय
Guwahati Bench

2

d) Smt. Susma Tanti ----- Wife (now expired)

e)

Smt. Susma Tanti (now expired) has served a notice under Section 080 CPC through her Advocate on dated 02.7.2001 for grant of life time family pension with arrear after passing nearly four decades if the death of her husband.

The Sr. Supdt. Of PO's Cachar Dn. Silchar-1 has taken up the matter accordingly and inform her to produce necessary documents in proof of her claim on dated 26.9.2001 and dated 22.01.2002 and prescribe form for the claim were also supplied to her.

On dated 18.8.2003, all documents of claims of Family pensions received through the IPO, Silchar- West Sub-Division, Silchar were forwarded to the Sr. Account Officer, Pen-1, Section, O/o the General Manager (PA & F) Kolkata.

Shri Abhimanya Tanti, S/o Late Arjune Tanti on dated 29.6.2005 informed us that Smt. Sushma Tanti (hismother) expired on 15.3.2005. And hence, the arrear of pension is claimed by him w.e.f. 27.5.1964 to 15.3.2005.

Lastly, on initiate any action towards settlement of the life time arrear claim of Late Sushma Tanti Vide GM (PA & F), Kolkata. Hence, the Family Pension cannot be disposed by the undersigned without any approval from the GM (PA & F), Kolkata.

3) That with regard to the statement made in paragraphs 1,2,3, 4.1, 4.2, 4.3, of the OA, the answering respondents beg to submit that the respondents beg offer no comment.

4) That with regard to the statement made in paragraph 4.4 of the OA, the answering respondents beg to submit that the at the time of the expiry of Late Arjune Tanti, the "Family Pension, 1964" was not implemented, and the same was circulated under GIM of Per. & Trg. OM No. -1 (11)/85-Pension Unit Dated 15.6.1985.

5) That with regard to the statement made in paragraphs 4.5 to 4.7 of the OA, the answering respondents beg to offer no comment.

18 MAY 2009

गुवाहाटी न्यायालय
Guwahati Bench

3

6) That with regard to the statement made in paragraphs 4.8 of the OA, the answering respondents beg to submit that the respondents beg to state that the statement is blame, the department has taken up the matter and her representation.

7) That with regard to the statement made in paragraphs 4.9 to 4.17 of the OA, the answering respondents beg to submit that the respondents do not admit anything except those are based on records.

8) That with regard to the statement made in paragraph 4.18 of the OA, the answering respondents beg to submit that the Family Pension Schme, 1964 has been circulated dated 18.6.1985 and Smt. Sushma Tanti had claimed her Family Pension after lapse of decades, in absence of necessary documents required under rule, it could not be settled. And, as per the Postal Account Manual, Vol-I "Service records/book" of the individual is to be disposed 5 (five) years after death or retirement of the employee (s).

9) That with regard to the statement made in paragraphs 4.19 to 5.1 of the OA, the answering respondents beg to offer no comment.

10) That with regard to the statement made in paragraph 5.2 of the OA, the answering respondents beg to reiterate and reaffirm the statement made in paragraph 7 in this Written Statement.

11) That with regard to the statement made in paragraphs 5.3 to 8.6 of the OA, the answering respondents beg to offer no comment.

18 MAY 2009

गुवाहाटी न्यायालय
Guwahati Bench

VERIFICATION

I Sr. Kripesh Ranjan Roy aged
about 59 years at present working as

Sr. Supt. of Po's, Cachar On., School-1

....., who is one of the respondents and taking steps in this case, being
duly authorized and competent to sign this verification for all respondents,
do hereby solemnly affirm and state that the statement made in paragraph

1 to 10

are true

to my knowledge and belief, those made in paragraph

..... being matter of records, are

true to my information derived there from and the rest are my humble
submission before this Humble Tribunal. I have not suppressed any material
fact.

And I sign this verification this 12th day of May/ 2009 at School-1.

Kripesh Ranjan Roy,

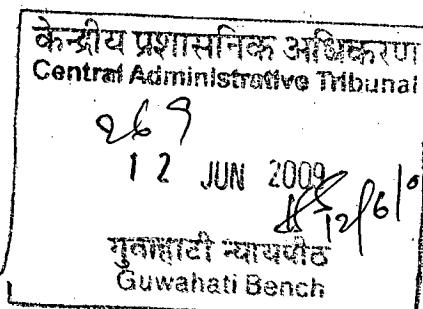
Deposition
Date _____, Year _____
Cachar Court, Guwahati, Assam, India

File in Court on.....
Court Officer.

Office No. 10
12/6/09

3:6.09
Monoranjan Das
Advocate
Dist. Bar Association
Silchar, Pin-788001
Mobile-94351-73832

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL:
GUWAHATI BENCH: GUWAHATI- 781001.



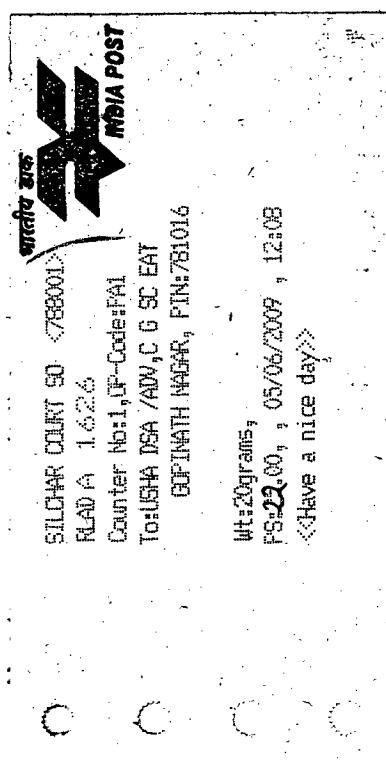
O. A. No. 10 of 2009

Sri Abhimanya TantiApplicant;
-Vs-
U.O. I. and othersRespondents.

IN THE MATTER OF;

A rejoinder under Rule 32 of CAT, Rules of practice, 1993, by Sri Abhimanya Tanti, S/O Late Arjun Tanti & Late Sushama Tanti a permanent ^{resident} of village-Chengduar Part-II; Br.PO- Noonapani, (Borjalenga S.O.) PS- Silchar, Cachar, Assam, PIN-788 117

---Applicant



The Applicant, named above, submits the rejoinder through counsel Monoranjan Das, against the Written Statement of the respondents. A copy of written Statement was received on 18.5.2009 and states as follows:

1. That, the respondents failed to comply with the Hon'ble Tribunal's order dated 05.02.2009, by disobeying the direction of para 6 of the said order. In para 6 the Hon'ble Tribunal has very clearly directed the respondents that "Respondents should file a copy of the intimation [by which the General Manager (PA&F), Kolkata, Respondent No. 5 intimated that there were no scope to initiate any action for settlement of the life time arrear claim of Family pension in favour of Late Sushama Tanti] basing on which the order under Annexure A-18 dated 04.02.2008 was issued by the Senior Superintendent of Post Offices/Cachar (Respondent No. 4) and supply a copy of the

Received copy
Alsha Das
Add CHSC
12/6/09.

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

12 JUN 2009

गुवाहाटी न्यायालय
Guwahati Bench

পত্ৰ প্ৰত্ৰী

৩.৬.০৯

Monoranjan Das

Advocate

Dist. Bar Association
Silchar, Pin-788001
Mobile-94351-73832

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same to the applicant/Advocate for the Applicant, without any waste of time, before the next date/30.03.2009." As such the respondents' W.S. is incomplete and has suffered from infirmity and inconsistency and therefore, for the said reason alone, the contents of the W.S. may kindly be set aside ab initio.

2. That, the statements made in paras 1) to 3) of W.S. is a vague and incomplete statement. The respondents, however, did not assail the averments made in paras 1 to 4.3 of OA and thereby offered no comment by the respondents.
3. That, the para 4) of the W.S. is incongruous in the face of the statement made by the respondents in para 3) of the W.S. The respondents' contentions are that 'at the time of the expiry of Late Arjun Tanti, the family Pension 1964 was not implemented.' This remark has no bearing vis a vis- Govt. of India, Ministry of Per. & Trg. OM No. 1 (11)/85. Pension Unit dated 18.6.1985 and also in view of acceptance of contents in para 4.3 of OA by the respondents.
4. That, the respondents, in para 5) of the W.S. have accepted the contents in para 4.5 to 4.7 of OA. The Para 4.7 of the OA has information about the disposal of Pensioner's half of PPO. The PPO was submitted to the Postmaster, Silchar HPO at the time of receiving payment of life time arrear of pension of Rs. 37.74 (Rupees thirty seven and paise seventy four) only due to the deceased Arjun Tanti, Ex Runner Dwarbond Line. The PPO was made over then at the written instruction from the Respondents No. 4 (referred Annexure- A-1).
5. That, the statement made in para 5) (page 3) of the W.S. that with regard to the statement made in para 4.8 of OA, the respondents remarked that "It is blame" which is vehemently denied by the applicant for that the fact place before the Hon'ble Tribunal can alone prove that this matter of family pension did not get required attention before the respondents. The claimant of Family Pension, Sushama Tanti, since died, had been representing in writing since 11.01.2001 but the respondents failed

12 JUN 2009

गुवाहाटी न्यायालय
Guwahati Bench

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3.6.09

Monoranjan Das

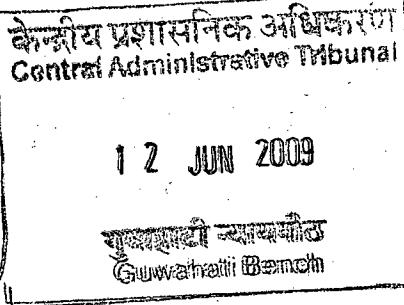
Advocate

Dist. Bar Association
Silchar, Pin-788001
Mobile-94351-73832

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to take care of her claim, as would be necessary, till 15.3.2005 firstly, during the life time of the said claimant, Sushama Tanti for which the said claimant died a pathetic death without food not to speak of medical aid due to poverty for procrastinated action on the part of the respondents and secondly, after the death of the said Sushama Tanti, her heirs through her son Abhimanya Tanti, the applicant, has been actively trying but failed to get the amount due to her deceased mother and at last, got a negative reply dated 04.02.2008, (Annexure A-18) after a period of three years. Thus from the fact available it can be proved that the respondents did not take due diligence to settle a claim of family pension within a period of eight years and after eight years replied that claim cannot be settled. Therefore, the Hon'ble Tribunal may be pleased to set aside the impugned order dated 04.02.2008 and the W.S. of the respondents.

6. That, the statement in para 6) of the W.S. against para 4.9 to 4.17 is nothing but a vague statement of the respondents, wherein, the respondents stated that "The respondents do not admit anything except those based on records." The respondents ought to have mentioned the matter which their records speak and as such the statement made in this para by the respondents cannot be accepted.
7. That, the statement made in para 7 of W.S. vis a vis para 4.18 of OA is not true and correct statement. The statement put up by the respondents does not support rule and/or law available. The contentions that 'Family Pension-1964, had been circulated dated 18.6.1985 and Sushama Tanti had claimed her Family Pension after a lapse of decades, in absence of any document required under rule , it could not be settled .' And that 'as per the Postal Manual Volume -I "Service records/book" of the individual is to be destroyed 5 years after death or retirement of the employee(s).' This statement of the respondents has no bearing against the grant of family pension for the good ground that, the respondents have nowhere in his written statement denied the fact that (1) they could not trace out the pensioner, Later Arjun Tanti, as a pensioner, (2) the



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concerned PPO No. Ca 12353 and (3) the sanctioned of sum of Rs. 37.74, being the life time pension arrear due to Arjun Tanti Ex Runner Dwarbond line was paid to Sushama Tanti, the widow of the deceased Arjun Tanti (Referred Annexure A-1). Moreover, family pension is not a deferred wage, not quid pro quo but a compassionate grant as a social security on the demise of a Govt. Employee/pensioner. Secondly, the claim of pension/family pension is not barred by limitation. In this regard, it is to be pointed out that the new family pension 1964 was effected from 22.9.1977 and given a gazette notification as **S.O. No. 2388**, in the Gazette of India, Dated 6th August, 1988 [From a note below Annexure A-19]. The applicant firmly believed that after introduction of the said new family pension scheme with effect from 22.9.77, there was clear Departmental instruction to review, **suo moto**, all such cases by the Department itself through its machinery, but in the instant case, the respondents did not take care and her case of family pension left out and now the respondents have been trying to shift the burden of responsibility on the shoulder of claimant with the plea of delay. It has been mentioned in the OA that the claimant/applicant are illiterate and resident of one of the most backward areas of Assam and in the district of Cachar, far from Silchar, connected with fair weather roads only, for which the claimant could learnt about the introduction of new family pension scheme, 1964 and it was in the beginning of the year, 2001 the matter came to her knowledge and then she started persuasion to get family pension. It is a settled principle of law that the pension matter is not barred by law of limitation. Therefore, the contentions of the respondent made in para 7) does not hold good in view of the above discussion and the Hon'ble Tribunal may be pleased to pass order in favour of the claimant/applicant and against the respondents.

8. That, the para 8) of the W.S by the respondents has been placed against the para 4.19 to 5.1 of OA and the respondents preferred no comment which may be taken as accepted. The Para 4.19 denotes the manner by which the PPO half of the Arjun Tanti was

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सुशमा तांती व्यावर्ती
Guwahati Bench

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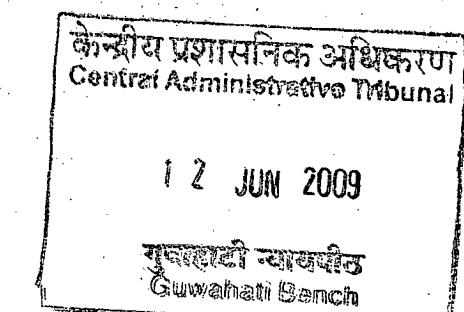
Advocate

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Silchar, Pin-788001
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made over to the Postmaster Silchar HPO at the written instruction of the Respondent No.4. The para 5.1 of the OA is related to the para 4.15. In para 4.15 of the OA, it is stated that the applicant was told to obtain Succession Certificate from a court of Law against arrear Rs.2,77,799/- (rupees two lacs seventy seven thousand seven hundred ninety nine) Only as family pension from 22.9.1977 to 15.3.2005 due to late sushama Tanti, widow of Late Arjun Tanti. For that, the respondents now cannot deny bona fide payment of the said money to the applicant after obtaining Succession Certificate in compliance of the order of the respondent No. 4 dated 26.9.06 (Annexure A-14).

9. That, the respondents in para 9) of the W.S. referred to para 5.2 of OA and stated same thing as is in para 7) of the W.S. The applicant's contentions in para 5.2 of OA is that the Family pension 1964 gives a life pension to widow/widower/family of a deceased Govt. Servant where he dies after completion of one year service or less than one year service if he has been medically examined and found fit before he was appointed and after retirement if he is a pensioner on the date of his death. The OA was filed as per provision of Rule 54 of the CCS (Pension) Rules 1972. The respondents did not assail this contention of the OA and as such it goes in favour of the applicant.
10. That, para 10) of the W.S. referred to paras 5.3 to 8.6 of the OA. In para 5.3 of OA it was stated that the custodian of PPO is the respondents No. 5 after payment of arrear vide Memo. dated 06.8.64 and the respondents could make payment of Family Pension on receipt of Govt. Circular dated 18.6.1985 (Annexure A-18 & 19) and thereafter on the representation dated 11.01.2001 (Annexure A-2) of Sushama Tanti. In para 5.4 it has been mentioned that the claimants are legal heirs of the deceaseds and they are entitled to get the arrears due to Sushama Tanti. In para 8.1 to 8.6 the applicant prayed for relief(s) before the tribunal to get (1) to set aside the impugned letter dated 04.02.2008 (Annexure-18); (2) demand for payment of Rs. 2,77,799/- arrear of Family pension due to Sushama Tanti with 12% of interest from the date it was due; (3) to



Monoranjan Das
3.6.09

Advocate
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get the cost of Succession Certificate etc. amounted Rs. 14,930/- ; (4) to get compensation of Rs. 50,000/- for irreparable loss, mental agony and torture; (5) to get cost of this application and (6) Such other relief(s) as Your Honour would thinks fit and proper. The respondents have nothing to deny the claims of the applicant submitted as prayer before the Hon'ble Tribunal and hence the Hon'ble Tribunal be pleased to pass order in favour of the humble applicant.

11. That, the document submitted with the OA are genuine and the respondents did not deny these documents rather acquiesced.
12. That, from the fact mentioned in the W.S against the matter stated in OA have no material for contradiction and as such to meet the ends of justice the applicant would be allowed to get the relief(s) as prayed for and for the act of which the humble applicant as in duty bound shall ever pray.

Verification

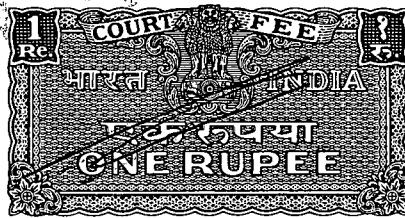
I, Sri Abhimanya Tanti, age 40 years, S/O Late Arjun Tanti, resident of village -Chengduar Part-II, PO- Noonapani, P.S- Silchar, do hereby verily state that the contents of the rejoinder in para 1 to para 12 are true and correct to the best of my knowledge and belief and are believe to be true on information received. I have not suppressed any material fact.

Date: 29.05.09

Place: Silchar.

Signature.

AFFIDAVIT follows:



केन्द्रीय प्रशासनिक अधिकारपा
Central Administrative Tribunal

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Guwahati Bench

AFFIDAVIT

I, Sri Abhimanya Tanti, S/O Late Arjun Tanti and Late Sushama Tanti, resident of village- Chengduar Part-II. PO- Noonapani, PS- Silchar, and District- Cachar, Assam, by caste - Hindu, by nationality-Indian, occupation- cultivation, do hereby solemnly affirm and state as follows:

1. That, I am the applicant for and on behalf of all the heirs of the deceased named above.
2. That, the statement made by me in the rejoinder from para 1 to para 12 are read over and explained to me and I have understood the meaning as explained to me.
3. That, the statement made in para 1 to para 12 of the rejoinder are true to my best of my knowledge and belief and I believed to be true on information and in solemn affirmation, whereof, I sign this affidavit on this the 2nd day of June 2009, before the Notary Public-at Silchar.

Identified by

Monoranjani Das

Advocate 03/6/09

Deponent

মনোরঞ্জন দাশ

Contents of the affidavit are
Truly and audibly read over/
translated into Bengali Lang-
uage and he seems to have un-
derstood the same.

Name and Signature

(Monoranjani Das)

Advocate

03/6/09

SOLEMNLY AFFIRMED & DECLARED
Solemnly affirm before me
BEFORE ME ON IDENTIFICATION

B.R. Paul
NOTARY
REGD. No SLC-1 of 2007

12 JUN 2009

Guwahati Bench

CHRONOLOGICAL LIST OF DATES

Relating to- O.A. 10/2009

Date	Events	Page Nos. As per OA
31.12.1963	Benefit of new family pension scheme has been extended who retired/died before 31.12.63, as also to those who were alive on 31.12.63 and opted out of the scheme vide G.I., Min. of Per. & Trg. OM. No. 1(11) /85-Pension Unit, dated 18-6-1985.	36 36(a) &
01.01.1964	The Central Government Servants who enter service on or after 1st. January 1964 are governed by this scheme, has been titled as Family Pension Scheme, 1964, in the CCS (Pension) Rules, 1972. (A-19)	36 & 36(a)
27.3.1964	Arjun Tanti, Ex-Runner, Dwarbond line expired as a pensioner whose PPO number is CA 12353.. (A-1)	11
06.8.1964	Sanction Memo of life time pension from 01.3.64 to 27.3.64 due to Late Arjunti Tanti, payable to his heirs including the applicant Abhimanya Tanti (A-1)	11
22.9.1977	From 22.9.1977, the New Family Pension Scheme, 1964, has been introduced vide G.I., Min. of Per. & Trg. OM. No. 1(11) /85-Pension Unit, dated 18-6-1985. (A-19)	36& 36(a)
18-6-1985.	From that date the New Family Pension Scheme, 1964, has been introduced vide G.I., Min. of Per. & Trg. OM. No. 1(11) /85-Pension Unit, dated 18-6-1985. (A-19)	36& 36(a)
20.7.1988	The provision of Family Pension Scheme, 1964 extended to Government Servants in pensionable establishment from 22.9.77, who retire/died before 31.12.63 as also to those who were alive on 31.12.63 but had opted out of the Scheme, 1964.. Inserted in Rule 54 of CCS (P) Rules 1972 by G.I. Deptt. of P.& P.W., Notification No. 2/18/87-P & PW (PIC) . dated the 20 th July 1988. (A-19)	36
11.1.2001	Sushma Tanti, mother of the applicant sent her first written representation to the respondent No. 4 and others.(A-2)	12
02.07.2001	An Advocate's notice to the respondents (A-3)	13 – 16
06.7.2001	Respondent wrote to Sushma Tanti to submit PPO book and service particulars with copy endorsement to the (1) Sr. PM Silchar HO and (2) IPO Silchar West Sub-Divn. (A-4)	17
10.7.2001	SSP/Silchar Sent requisite forms for family pension to the IPO (W) Silchar (A-7)	20



12 JUN 2009

গুৱাহাটী ন্যায়পীঠ
Guwahati Bench

11.7.2001	Reply by Sushama Tanti to the Respondent's letter dtd. 06.7.01 (A-5)	18
21.8.2002	A representation by Sushama Tanti to the DDG (P), New Delhi -110001, for early payment of Family Pension. (A-6)	19
12.08.03	Inspector of Post Offices, forwarded Family pension Papers duly completed to the Respondent No. 4. (A-8)	21 - 22
18.8.03	SSP/Cachstr, Silchar, forwarded the pension papers to Shri M.S. Mandal, Sr. Accounts Officer, O/O the GM (PA &F) West Bengal Circle, Kolkata. (A-9)	23 - 24
05.12.05	The copy of latter from GM (PA &F) West Bengal Circle, Kolkata addressed to the Supdt. of POs' Silchar Respondent No. 4, dated 5.12.05. (A-13)	29
15.3.1005	Sushama Tanti Expired without getting her family pension. (A-17)	34
09.1.06	The SSP/Silchar, respondent No. 4 , addressed to applicant to submit document/papers in connection payment of life time arrear of family pension due to the deceased Sushma Tanti. (A-10)	25
07.02.2006	Advocate's Notice to the respondents No. 4 and 5 for early payment of arrear of family pension. (A-11)	26 - 27
03.7.06	Letter addressed to SSP/Silchar Copy to Advocate Manoranjan Das, from GM, Kolkata, to send pension document in connection of payment of arrear of family pension due to the Late Sushama Tanti. (A-12)	28
26.9.06	Letter from SSP /Silchar To Applicant for submission of (a)Succession certificate, for Rs. 2,77,799/- (b) Consent letter and (c) filled up application. (A-14)	30
13.6.2007	Succession Certificate Issued by the Addl. District Judge, Cachar, Silchar, Case No Misc (S/C) 18 of 2007. empowering the applicant to collect the debt Rs. 2,77,799/- (A-16)	32 - 33
02.7.07	Letter with a copy of Succession Certificate and death certificate sent to the respondents No 4. (A-15)	31
04.2.08	Impugned order of rejection of claim of the Applicant (A-18)	35

