

CENTRAL ADMINISTRATIVE TRIBUNAL  
JABALPUR BENCH

OA No. 976/04

Jabalpur, this the <sup>10<sup>th</sup></sup> day of March, 2005

C O R A M

Hon'ble Mr.M.P.Singh, Vice Chairman  
Hon'ble Mr.Madan Mohan, Judicial Member

Ku. Sadhna Suri  
D/o Late K.L.Suri  
R/o Rakesh Suri Ward No.1,  
Verma Colony Tahsil  
Itarsi,  
Dist. Hoshangabad (M.P.)

Applicant

(By advocate None for applicant)

Versus

1. Union of India through  
Secretary  
Ministry of Railways  
Rail Bhawan  
New Delhi.
2. The General Manager  
West Central Railway  
Jabalpur.
3. The Divisional Railway Manager  
(Personnel) West Central Railway  
Habibganj, Bhopal.

Respondents.

(By advocate Shri M.N.Banerjee)

ORDER

By Madan Mohan, Judicial Member

By filing this OA, the applicant has sought the following main reliefs:

- (i) Quash Annexure A6 with regard to rejection of her claim of family pension.



- (ii) Direct the respondents to pay the family pension to the applicant from the date of death of her father as per Family Pension Rules.

2. The brief facts of the case are that the father of the applicant who was working as Crew Controller at Central Railway, Itarsi, retired from service on 30.4.90 and died on 9.6.98. The mother of the applicant also died on 8.9.77. The applicant is suffering from mental disorder and disability, which has been certified by Dr.R.P.Tikariya, Physician at Janasewa Rugnalaya, Itarsi and Dr. S.K.Tandon, Professor of Psychiatry, Medical College, Bhopal (Annexure A-1 & A-2 respectively). The certificate of disability has also been issued by the Sub Divisional officer, Itarsi dated 6.8.88 (Annexure A3). After the death of her father, the applicant submitted a representation to the Railway Authorities mentioning that she is suffering from mental retardation from her birth and she is entitled to get the pension as per Pension Rules (Annexure A4). Vide letter dated 26.10.98, respondent No.3 directed the applicant to submit a certificate of Divisional level Medical officer and accordingly she contacted the doctors but the doctors refused to issue the certificate on the ground that they had not received any such letter from the department. Thereafter, vide letter dated 19.8.2003, the applicant was informed that she is not entitled for family pension because her ailment was not before the death of her father or during his employment (Annexure A6). Being aggrieved, the applicant has filed this OA.

3. None is present for the applicant. Hence the OA is disposed of by invoking the provisions of Rule 15 of the CAT (Procedure) Rules, 1987.


4. Heard the learned for the respondents who argued that the father of the applicant who retired on 30.4.98 did not mention about the mental condition of Ku. Sadhana Suri, the applicant, in the certificate containing the family particulars (Annexure R1). This clearly showed that the applicant was not mentally retarded up to that date. The Family Pension Rules stipulate that only that disability which manifests itself before the retirement or death of the Railway servant while in service shall be taken

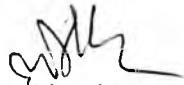
into account for the purpose of grant of family pension. The applicant does not fulfill this condition, hence she is not entitled for the relief claimed. Our attention is drawn to Annexure R1 – Form No.6 - filed by the deceased employee on 19.1.1990 and also to Annexure R-2 and argued that the applicant is not entitled for the relief claimed. Hence the OA is liable to be dismissed.

5. After hearing the learned counsel for the respondents and carefully perusing the records, we find that in Form No.6 which was filed by the father of the applicant on 19.1.1990, he has mentioned the name of the applicant Ku. Sadhana Suri as his daughter and her age is mentioned as 24 years, but in the remarks column, he has not mentioned anything. That column is blank. The deceased employee should have mentioned in this column that the applicant is mentally retarded since her birth. We have perused the medical certificate submitted by the applicant Annexure A1 dated 27.1.88 issued by Dr. R.P.Tikaria and this certificate is issued on his letter pad. We have also perused Annexure A2 dated 31.7.98, which is a certificate issued by Dr.S.K.Tandon in which he has mentioned that the applicant is suffering from severe mental retardation. We have also perused the letter issued by the Sub Divisional Officer. The applicant has not produced any certificate issued by the divisional level Medical Officer of the State Government Hospital or of the Railway Hospital. The applicant has mentioned in the OA that she was directed by the respondents to submit a certificate of divisional level Medical Officer vide letter dated 26.10.98 (Annexure A5). But when she contacted the doctor, he refused to issue this certificate on the ground that they have not received any such letter from the department. It was the duty of the applicant to get the aforesaid letter issued from the respondents and should have obtained the medical certificate as per the directions of the respondents.



6. Considering all the facts and circumstances of the case, we are of the considered opinion that the OA has no merit. Accordingly, the OA is dismissed. No costs.

  
(Madan Mohan)  
Judicial Member

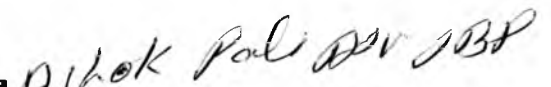
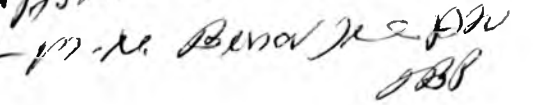
  
(M.P. Singh)  
Vice Chairman

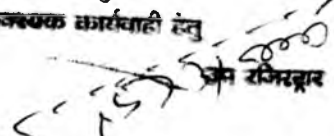
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पृष्ठानक सं जो/व्या..... जलपुर, दि.....

पत्तिलिपि अवधि:-

- (1) सचिव, उच्च न्यायालय वार एसोसिएशन, जलपुर
- (2) अध्यक्ष श्री/श्रीमती/शु.....के कार्यालय
- (3) प्रवर्धी श्री/श्रीमती/शु.....के कार्यालय
- (4) बंधुपान, के.ए.ए., जलपुर न्यायालय  
सूचना एवं आवश्यक कार्रवाई हेतु

 Ashok Pal JBB  
 M.N. Bena JBB

 Anand Kumar

Issued  
On 15.3.05  
SS