

CENTRAL ADMINISTRATIVE TRIBUNAL  
JABALPUR BENCH

OA No.141/04

Jabalpur, this the 1st day of October, 2004

CORAM

Hon'ble Mr.Madan Mohan, Judicial Member

Kumari Sunita Kori  
D/o Late Shri Harilal Kori  
R/o House No.638, Fakir Chand Ka Bada  
Khermai ward, Khatik Mohalla  
Jabalpur.

Applicant

(By advocate Shri R.N.Yadav)

Versus

1. Union of India through  
General Manager  
Gun Carriage Factory  
Jabalpur.

2. Principal  
Central Defence Account  
(Pension) (C.D.A(P)  
Allahabad.

Respondents

(By advocate Shri P.Shankaran)

O R D E R (oral)

By Madan Mohan, Judicial Member

By filing this OA, the applicant has claimed the following reliefs:

- (i) Direct the respondents to fix and pay the pension and other pensionary benefits to the applicant with immediate effect.
- (ii) Direct the respondents to pay the arrears of pension since 9.1.98 with interest.

2. The brief facts of the case are that the father of the applicant was working under the control of respondent No.1 and he retired on 27.5.82. Subsequently he died on 6.2.98. The mother of the applicant also died prior to her husband on 9.1.98. The applicant after the death of her father approached the authorities personally to grant pensionary benefit of her father to her and in that behalf she made a representation but to no avail. The applicant submitted a last representation dated 11.4.2001 to



respondent No.2 who advised the applicant to represent before respondent No.1. Respondent No.1 vide letter dated 6.8.2001 directed the applicant to submit 4 photographs and a certificate of Ward Member certifying the applicant as unemployed and unmarried (Annexure A3). The applicant immediately complied with this requirement. Respondent No. 1 however, disallowed the claim of the applicant vide letter dated 25.2.02 on the ground that the applicant had completed 25 years of age (Annexure A4) and hence she was not entitled for family pension. After receipt of the aforesaid letter, the applicant submitted her birth certificate and medical examination certificate showing her age to be below 25 years (Annexure A5 a,b,c). Till date, the respondents have not considered her representation. Hence the OA is filed.

3. Heard learned counsel for both parties. It is argued on behalf of the applicant that on the date of death of the father of the applicant, the applicant's age was 20 years and legally she was entitled to receive family pension of her father upto the age of 25 years. The applicant had submitted representations to the respondents in this regard as also complied with the requirements set by the respondents. However, her claim was rejected by the respondents by letter dated 25.2.02 (Annexure A4) on the ground that the applicant had completed 25 years of age and not entitled for family pension. After receipt of the aforesaid order, the applicant submitted another representation along with her birth certificate and medical examination certificate showing her age below 25 years. Annexure A5(b) is a certificate issued by the Chief Medical & Health Officer, Jabalpur in which the applicant's age is mentioned as 22 years on 11.9.2001 and according to Annexure A5 (c) her date of



birth is mentioned as 9.12.78 in the birth certificate issued from the Govt. of M.P. on 22.9.2001. Hence, according to these two documents, the age of the applicant was about 20 years at the time of the death of her father on 6.2.98, but the respondents have not considered and decided the applicant's representation so far.

4. In reply, learned counsel for the respondents argued that the father of the applicant Shri Hari Lal Kori had given a family declaration during his service on 27.5.82 in which he had mentioned the following individuals as dependents: Ku.Geeta Bai aged 17 yrs; Ku. Anita Bai aged 14 yrs and Ku.Sunita Bai aged 12 yrs. Family pension can be given only to an individual dependent who has not attained the age of 25 years. According to the declaration given by the father of the applicant on 27.5.82, the age of the applicant was 12 years. Hence, at the time of death of the father of the applicant on 6.2.98, her age comes to 28 years i.e. more than 25 years. Hence the applicant was not entitled for family pension of her father. Hence the action of the respondents is perfectly legal and justified.

5. After hearing the learned counsel for both parties and careful perusal of the records, I find that in the family declaration submitted by the deceased employee during his service on 27.5.82, the age of the applicant has been mentioned as 12 years. Hence her age comes to 28 years on the date of death of the applicant's father. Legally, family pension is admissible upto the age of 25 years. But



after passing of the impugned order, the applicant had moved a representation along with certain certificates showing her age. I have perused the Age Assessment Certificate Annexure A5(b) issued from the office of the Chief Medical & Health Officer, Jabalpur on 11.9.01 in which the age of the applicant is mentioned as 22 years on that date. I have also perused the birth certificate issued by the Govt. of M.P. on 22.9.01 in which the date of birth of the applicant is mentioned as 9.12.78. According to the aforesaid documents, the age of the applicant comes to about 20 years at the time of the death of the applicant's father on 6.2.98.

6. Considering all the facts and circumstances of the case, I am of the opinion that the OA has merit. Hence the respondents are directed to consider and decide the representation of the applicant on the basis of Annexures A5b & A5c within a period of 4 months from the date of receipt of a copy of this order. No costs.



(Madan Mohan)  
Judicial Member

प्रमाणित सं ओ/ज्या.....जबलपुर, दि.....

पंक्तिगत जस्टिस -

(1) सचिव, जज कक्षा, जबलपुर

(2) आवेदक श्री/श्रीमती/बच्चे.....के काउंसल

(3) प्रत्यक्षी श्री/श्रीमती/बच्चे.....के काउंसल

(4) कार्यपालक, जज कक्षा, जबलपुर

सूचना एवं आवश्यक कार्यवाही हेतु

उप रजिस्ट्रार

RN Yadav  
JP. Shanlekar

Issued  
On 1-10-04  
BS