

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 661 of 2003

Jabalpur, this the 2nd day of April, 2004

Hon'ble Mr. Madan Mohan, Judicial Member

Robinson, Aged about 60 years
Son of Late Ramadeen
Occupation: Nil
Resident of : Care of : Shri George
Wilson House No. 243, Mission Compound
Nehru Ward, Ghamapur Jabalpur(M.P.)

APPLICANT

(By Advocate - None)

VERSUS

1. Union of India
Through Ministry of Defence
New Delhi.
2. Controller of Defence Accounts
(Pension) Allahabad.
3. Gun Carriage Factory
Through its General Manager
Jabalpur M.P.

RESPONDENTS

(By Advocate - Shri K.N. Pethia)

O R D E R (ORAL)

None was appeared on behalf of applicant. We are disposing of this OA by invoking the provisions of rule 15 of Central Administrative Tribunal (procedure) Rules, 1987.

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

"(a) To set-aside the impugned order No.6617/S.J.S./PC Dated 08.02.03(Annexure-A-1) issued by the works Manager Administration-II(the respondent No.3) rejecting the applicant's prayer for providing him family pension.

(b) The respondents may kindly be directed to provide to the applicant the family pension keeping into consideration sympathically the fact of his blindness of both the eyes by birth."



3. The brief facts of the case are that ^{the} father of the applicant was working in ~~the~~ Gun Carriage Factory of Jababpur. He ~~was~~ retired after attaining the age of superannuation. After death of father of the applicant, his mother was getting pension till her death. The applicant states that after death of his mother, he is fully dependent on his elder brother George Wilson because the applicant is blind by both the eyes from his birth and he is 100 percent disabled. After the death of the applicants mother, he is running from pillar to post for obtaining the family pension being a disabled person. The brother of the applicant George Wilson has submitted an application dated 7.1.2001 in connection with receiving the family pension in favour ^{of} the applicant in the office of respondent No.3. The respondent No.3 has not given any response to the aforesaid application. Then another application on 12.03.2001 was ~~again~~ moved. The respondent No.3 has issued an order dated 27.6.2001 (Annexure-A-4) which was addressed to the applicants elder brother George Wilson, who was directed to appear in the office of General Manager ^{Gun} Carriage Factory Jabalpur alongwith the death and birth certificates and other relevant documents which shows that applicant is son of Late Shri Ramadeen. Since, the applicant has not produced the aforesaid documents then the respondents have issued a letter dated 16.10.2001 to the Superintendent of Police for providing the details/particulars of the family of Late Ramdeen. In response to the aforesaid letter, the Superintendent of Police has enquired the matter through the Station House Incharge of Police-Station Ghamapur, Jabalpur. and submitted his report vide letter dated 6.2.2002. Thereafter the respondents have issued letter dated 10.4.02 whereby the applicant was asked to submit his family particulars, photo etc.

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The applicant has submitted relevant document which have been demanded by the respondents vide letter dated 10.4.02 except Guardianship certificate. The applicant states that he again moved an application dated 18.11.02 requesting to the respondent No.3 for providing him family pension. The respondents have not considered the claim of the applicant and issued a letter dated 8.2.02 (Annexure-A-1) rejecting his claim to get family pension. Aggrieved by this, he has filed this OA claiming the aforesaid relief.

4. Heard the learned counsel for the respondents and perused the records.

5. After hearing the learned counsel for the respondents ^{that} I find in para 2 and 3 of the reply, it is mentioned that the respondents on examining the case of both late Ramadin as well as his brother's case file, found that they have not received any such application nor any nomination existed in the name of applicant in the form of contingent nominee. Further to above, Shri George Wilson also could not produce any document proof to this effect that such intimation has been given by ^{submitting} late Ramadin. In the absence of any document proof of the documents to the respondents for nominating the applicant for terminal benefits, the Principal Controller of Defence Accounts(Pension), Allahabad(PCDA(P) refused to case for family pension, also in view accept the ^{of} of the Civil Investigation/Enquiry conducted by the Civil Authorities. The respondents ^{and 5} further submitted in paras 4 of the reply ^{that} the applicant should produce the succession certificate for processing his pension claim with the PCDA(P) Allahabad. In the absence of any documentary evidence or proof of his nomination being a contingent nominee, the applicant has to now approach the Competent Civil Court to obtain a succession certificate rather than disputing the same before this Tribunal.

6. Accordingly I am of the opinion that the applicant has failed to prove his case and the OA is dismissed. However, the applicant will be at liberty to approach the proper forum for obtaining the succession certificate.

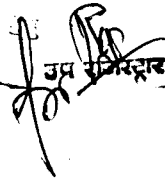


(Madan Mohan)
Judicial Member

SKM

पृष्ठोक्त सं ओ/प्रा..... जलपुर, दि.....
प्रातिपदिका तारीख

- (1) जलपुर
- (2) के काउंसल S. Shrivastava
- (3) के काउंसल K. N. Pethia
- (4)
सूचना एवं आवश्यक कार्यवाही


उप निरीक्षक

Forward
by
26.4.07