

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 576 of 2001

Jabalpur, this the 6th day of April, 2004

Hon'ble Shri M.P. Singh, Vice Chairman

1. Ashish Saha, S/o. late Shri B.P. Saha, (DCIO-Intelligence Bureau), Aged about 31 years, Occupation - Unemployed.
2. Bharti Saha (Rail), D/o. Late Shri B.P. Saha, (DCIO - Intelligence Bureau), Aged about 31 years, Occupation - Unemployed.
3. Smt. Sunder Devi Jaiswal/Saha, W/o. Late Shri B.P. Saha, (DCIO-Intelligence Bureau), Aged about 64 years,

All resident of House No. 1988,  
Supatal, P.O. Garha, Jabalpur (MP).

... Applicants

(By Advocate - None)

V e r s u s

1. The Union of India,  
Through Secretary, Ministry  
of Home Affairs, New Delhi.
2. The Joint Director, Subsidiary  
Intelligence Bureau, Ministry of  
Home Affairs, Government of India,  
Near SBI Officer Colony, Char Imli,  
Bhopal (MP).
3. Pay & Account Officer, Intelligence  
Bureau, Ministry of Home Affairs,  
New Delhi.

... Respondents

(By Advocate - Shri S.A. Dharmadhikari)

O R D E R (Oral)

None is present for the applicant. Since it is an old case of 2001, I proceed to invoke the provisions of Rule 15 of CAT (Procedure) Rules, 1987. Heard the learned counsel for the respondents.

2. By filing this Original Application the applicants 3 in number have claimed the following main reliefs :

"8.1 the respondents be directed to release the family pension of the applicant's deceased father

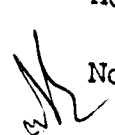


to the present applicants in question, in the ends of justice and equity, and a command to this effect be issued accordingly, and the market rate of interest be also saddled on the amount withheld by the respondents towards the Family Pension of the Late Father of the applicant."

3. The brief facts of the case are that the father of the applicant No. 1 and 2 and the husband of the applicant No. 3 was working as DCIO in the Intelligence Bureau. On attaining the age of superannuation, the husband of the applicant No. 3 retired on 29th February, 1984. Thereafter he died on 8.9.1999. The applicants have not been granted the family pension and other **retiral** dues by the respondents. Aggrieved by this they have approached this Tribunal by filing this OA and claiming the aforesaid reliefs.

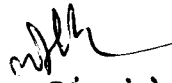
4. The respondents in their reply have stated that as per records Smt. Kamalarani is shown as legally wedded wife of the deceased Government servant and her name has been shown in the service book and <sup>in</sup> the application for grant of pension. As regards applicant No. 3, the fact of her marriage with the deceased Government servant was never intimated to the respondents by the deceased Government servant. Since the applicants are not legal heir of the deceased Government servant they are not entitled for any benefit for grant of family pension and other retiral dues.

5. I have given careful consideration to the pleadings of both the parties and I find that the husband of the applicant No. 3 had retired on superannuation on 29th February, 1984, and expired on 8.9.1999. The applicants Nos. 1 and 2 are children of the deceased Government servant and they are already 31 years old and are therefore not entitled for family pension. As regards the applicant No. 3 it is stated in para 4.2 of the OA that applicant



No. 3 got married with the deceased Government servant late B.P. Saha in the year 1960 because the first wife Smt. Kamla Rani Saha was issueless and expired in the year 1986. The fact that the deceased Government servant had already one legally wedded wife, could not have married the applicant No. 3 in the year 1960 as it is not permissible under the law. Since the applicant No. 3 is not the legally wedded wife and she has not been nominated by the deceased Government servant to receive the pensionary benefits, she is not entitled for pension and other retiral benefits as per the rules.

6. Accordingly, the Original Application does not have any merit and is dismissed. No costs.

  
(M.P. Singh)  
Vice Chairman

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राज्यपाल, .....  
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(2) .....  
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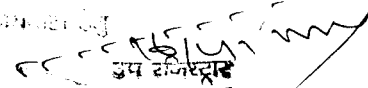
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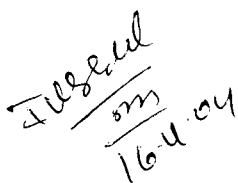
(4) .....  
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R K Thakur

Sh. Dharmadhipan

  
उप राज्यपाल

  
16-4-04