

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 651 of 2002

Jabalpur, this the 7th day of May, 2004

Hon'ble Shri Madan Mohan, Judicial Member

Smt. Kaushalyabai, Wd/o. late
Pandhrinath Kale, resident of
Ganesh Talai Road, Opposite Kondia
Hanuman Mandir, Khandwa, M.P.

... Applicant

(By Advocate - Shri L.N. Namdeo)

V e r s u s

1. The Union of India, through the
General Manager, Central Railway,
Chhatrapati Shivaji Terminus,
Mumbai.

2. The Divisional Rail Manager,
Central Railway, Bhusawal
Division, Bhusawal.

... Respondents

(By Advocate - Shri M.N. Banerjee on behalf of Shri S.P.
Sinha)

O R D E R

By filing this Original Application the applicant has
claimed the following main reliefs :

"(i) to declare that the applicant is entitled
to get family pension as per the Railway Board's
instructions referred to above from the date the
deceased Chandramani has died alongwith admissible
interest, "

2. The brief facts of the case are that the applicant's
son late Chandramani was working as a Gangman under the
Senior Section Engineer (Permanent Way), Central Railway,
Khandwa. While on duty late Chandramani met with a train
accident and died on 30.8.1985. He was unmarried at the time
of his death. The applicant and his younger son Sudhir were
dependant of late Chandramani. The applicant being mother of
the deceased Chandramani was paid settlement dues amounting
to Rs. 3,350/- on 3.5.1990. Since other dues i.e. P.F.,
D.L.I., D.C.R.G. and G.I.S. were not being paid, the
applicant had obtained a succession certificate from the



concerned court. The applicant had applied for grant of family pension on 27.10.2001. She further submitted that being the mother of the deceased she is entitled to get family pension at the rate of 3/4 of the pay of the deceased employee in view of the instructions contained in Railway Board's letter dated 5.10.1987 and O.M. dated 21.7.1999. No reply was given by the respondent No. 2, hence the applicant had taken interview twice with the respondent No. 2, hence the applicant had taken interview twice with the respondent No. 2, whereupon the applicant was assured to look after the case sympathetically but no reply has been received by the respondents so far and due to non-receipt of family pension the applicant is suffering great hardship in these hard days. Aggrieved by this the applicant has filed this Original Application claiming the aforesaid reliefs.

3. Heard the learned counsel for the parties and perused the records carefully.

4. It is argued on behalf of the applicant that applicant is the mother of the deceased Government employee who died on 30.8.1985. But the respondents have started to pay the family pension from 1.1.1998 which is against the Railway instructions. The family pension should have been started to be paid soon after the death of the deceased Government servant i.e. after 30.08.1985. There was no justification to be started paying from 1.1.1998. It is against the rules.

5. In reply the learned counsel for the respondents argued that the applicant was entitled for pension on the death of her son soon after his death in case his death would have been occurred while performing duties as a result of attack by or during action against the extremists, dacoits,



smugglers and anti-social elements, etc. or action against enemy in international war or Border skirmishes. The death of the applicant's son was a natural and normal death and that was not covered in the aforesaid conditions which are mentioned in Annexure R-II dated 5.10.1987. Hence the pensioner who is the mother of the deceased Government servant is being given pension with effect from 1.1.1998 in compliance with Annexure R-III, dated 5th March, 1998.

6. I have given careful consideration to the rival contentions made on behalf of the parties and I find that normally the pension should be started to be given to the legally entitled persons soon after the death of the employee. But in this case as the death of late Chandramani an employee in the office of the respondents was not occurred as a result of attack by or during action against extremists, dacoits, smugglers and anti-social elements, etc. or action against enemy in international war or Border skirmishes, as mentioned in Annexure R-II, dated 5.10.1987. The applicant was granted pension in view of Annexure R-III dated 5th March, 1998 issued by the Ministry of Personnel, Public Grievances & Pensions, Department of Pension & Pensioners Welfare, New Delhi. In its para 4 it is clearly mentioned that "admissibility of family pension to parents and widowed/divorced daughter will be effective from 1.1.1998 subject to fulfilment of other usual conditions. The respondents have not disputed about the entitlement of the applicant for receiving pension of the deceased Government servant late Chandramani. The applicant is the mother of the deceased and she had also obtained succession certificate from the competent court also. Hence I am of the opinion that in view of Annexure R-III, the respondents have rightly started to pay the pension to the applicant



with effect from 1.1.1998. Hence this Original Application has no merit and is accordingly dismissed. No costs.



(Madan Mohan)
Judicial Member

"SA"

पृष्ठांकन सं. ओ/प्रा.....जयपुर, दि.....
परिचालित द्वारा किया

- (1) सचिव, जयपुर जयपुर
- (2) सचिव, जयपुर के कार्यालय *W Nandoo*
- (3) सचिव, जयपुर के कार्यालय *SP Sinha*
- (4) सचिव, जयपुर के कार्यालय

सूचना एवं आश्चर्यक कार्यालय हेतु
Banndas
19.5.04

Final
SP
20/5/04