

**Central Administrative Tribunal, Allahabad Bench,  
Allahabad**

**Original Application No.330/00672/2013**

**This the 4th day of April, 2018**

**Hon'ble Mr. Justice Dinesh Gupta, Member (J)**

1. Kumari Girija d/o late Adya Prasad
2. Miss. Rajeshwari Singh d/o late Sri Adya Prasad
3. Satya Rup Sigh d/o late Adya Prasad

Applicants

By Advocate: **Sri Saurabh proxy to Sri A.P.S. Rathore**

Versus

1. The General Manager, North Central Railway, Allahabad.
2. The Divisional Railway Manager (Personnel), North Central Railway, Allahabad.
3. The Divisional Assistant Personnel Officer, Divisional Railway Manager, Allahabad.
4. Assistant Personnel Officer, North Central Railway, Allahabad.
5. Finance & Account Officer, Pay and Accounts , North Central Railway, Allahabad.

Respondents

By Advocate: **Sri Anil Kumar**

**By Hon'ble Mr. Justice Dinesh Gupta, Member (J)**

The applicants have filed the present O.A. under Section 19 of the AT Act for directing the respondent No. 3 to pay family pension to the applicant No.1 within short and stipulated period and also for direction to pay arrears.

2. Father of applicant namely late Adya Prasad was retired on 31<sup>st</sup> January, 1984 and expired on 14.3.1988.

Thereafter, family pension was sanctioned in favour of mother who also died on 9.1.2012.

2.1 The applicant no. 1 is the youngest daughter and applicants No. 2 and 3 are the elder sisters of applicants and all the applicants are unmarried and dependant over their parents. Applicant No. 2 and 3 have filed notary affidavit on 30.8.2012 along with pension form and categorically stated that family pension shall not required to them and to be paid to the applicant No. 1.

2.2 The applicant used to meet the clerk concerned who has informed the applicant that the persistent personal officer on behalf of the Divisional Railway Manager has rejected the application of applicant for family pension on 18<sup>th</sup> April, 2013

3. Notices were issued to the respondents who in turn filed the counter reply through which it is stated that claim of Kumari Girja d/o late Adya Prasad for family pension has been turned down in the light of sub Rule 9 of Rule 75 of Railway Service (Pension) Rules, 1993. In the present case, there are two elder daughters who are eligible first in order of age as per pension rules and they cannot be deprived of family pension on account of their refusal. Thus, in view of above rule, the applicant No. 1 is not entitled for family pension and objection was correctly raised by the respondents.

4. Rejoinder reply is filed by the counsel for applicant through which he has reiterated the facts as stated by him in the O.A.

5. Heard learned counsel for applicant Sri Saurabh proxy for Sri A.P.S. Rathore and learned counsel for respondents Sri Anil Kumar.

6. Learned counsel for applicants has produced before the court the O.M. dated 30<sup>th</sup> August, 2004 , O.M. dated 28<sup>th</sup> April, 2011 and O.M. dated 11<sup>th</sup> September, 2013 issued by issued by Ministry of Personnel, Public Grievances and Pension, Department of Pension and Pensioners Welfare and Railway Board letter dated 20.5.2011 on the subject of extension of scope of Family pension to widowed/divorced/unmarried daughters and dependant disabled siblings of Central Govt. servants/pensioners- clarification regarding.

7. Keeping in view the aforesaid OMs, the court thinks it proper to dispose of the O.A. with direction to the respondents to consider the case of applicant for grant of family pension in the light of OM O.M. dated 30<sup>th</sup> August, 2004 , O.M. dated 28<sup>th</sup> April, 2011 and O.M. dated 11<sup>th</sup> September, 2013 issued by issued by Ministry of Personnel , Public Grievances and Pension, Department of Pension and Pensioners Welfare and Railway Board letter dated 20.5.2011 and pass a reasoned and speaking order afresh.

8. Accordingly, O.A. is allowed. order dated 18<sup>th</sup> April, 2013 is quashed and the matter is remitted to the respondents to consider the case of applicant for grant of family pension in the light of OM O.M. dated 30<sup>th</sup> August, 2004 , O.M. dated 28<sup>th</sup> April, 2011 and O.M. dated 11<sup>th</sup> September, 2013 issued by issued by Ministry of Personnel, Public Grievances and Pension, Department of Pension and Pensioners Welfare and Railway Board letter dated 20.5.2011 and pass a reasoned and speaking order afresh. No order as to costs.

**(Justice Dinesh Gupta)**  
**Member (J)**

**HLS/-**



