

**Central Administrative Tribunal  
Principal Bench, New Delhi**

OA No.175 of 2014

This the 8<sup>th</sup> day of October, 2015

**HON'BLE MR. JUSTICE L.N. MITTAL, MEMBER (J)  
HON'BLE MR. SHEKHAR AGARWAL, MEMBER (A)**

Smt. Prem Wati \* (Aged 66 years) – (LR)  
W/o Late Shri Nanak Chand (deceased)  
R/o B-37, LIC Colony,  
Meera Bagh, New Delhi-110087. ... Applicant

(By Advocate: Shri M.L. Chawla with Shri G.D. Chawla)

Versus

1. Union of India through  
Directorate General (Works-Horticulture)  
Central Public Works Department (C.P.W.D.)  
“A” Wing Nirman Bhawan,  
New Delhi-110018.
2. Central Pension Accounting Office (C.P.A.O.)  
M/o Finance, Department of Expenditure,  
Govt. of India,  
Trikoot-II, Bhikaji Cama Place (Behind Hotel Hyatt  
Regency), New Delhi-110066.
3. The Chairman  
Indian Tourism Development Corporation Ltd.  
(I.T.D.C.),  
Jeevan Vihar, 3 Sansad Marg,  
New Delhi-110001.

**Regd. Office:-**

Scope Complex, Core 8, 6<sup>th</sup> Floor,  
7 Lodi Road, New Delhi-110003.

4. Regional Provident's Fund Commissioner-I,  
Employees Provident's Fund Organisation  
Regional Office Delhi (NORTH)  
28 Community Centre, Airport Industrial Area,  
Delhi-110052.
5. Commissioner-II  
Employees Provident's Fund Organisation,  
Regional Office (NORTH),  
(M/o Labour, Govt. of India)  
Bhavishya Nidhi Bhawan,  
Plot-28, Wazirpur Industrial Area, Delhi-110052.  
... Respondents

(By Advocates : Dr. Ch. Shamsuddin Khan for R-1 and R-2;  
Ms. Manpreet Kaur Chadha for R-3 and Shri Satpal Singh for  
R-4 and R-5)

**ORDER (ORAL)****MR. JUSTICE L.N. MITTAL, MEMBER (J) :**

Smt. Prem Wati has filed this OA claiming family pension along with interest beside suitable compensation for non-payment thereof.

2. The applicant's husband was employed in Central Public Works Department (C.P.W.D.) since 6.7.1965 till 5.11.1984 when he was sent on deputation to Indian Tourism Development Corporation (ITDC). On request of applicant's husband for absorption in ITDC, permission was granted by CPWD vide order dated 10.7.1985 subject to the conditions enumerated therein. Thereupon the ITDC issued order dated 12.8.1985 absorbing the applicant's husband – Shri Nanak Chand (since deceased) in ITDC w.e.f. 5.11.1984. The applicant's husband retired from ITDC on 31.8.2000.

3. One of the conditions of absorption of applicant's husband in ITDC was that Government of India would have no liability for family pension in respect of Shri Nanak Chand after his permanent absorption in ITDC. Vide letter dated 14.8.1986 (Annexure A-8), ITDC informed the Accounts Officer of CPWD that the employees joining ITDC on or after 1971-1972 are covered in the Family Pension Scheme and the same would also be admissible in the case of Shri Nanak Chand w.e.f. 5.11.1984, i.e., the date of his absorption.

4. In view of the aforesaid, the applicant filed this OA claiming family pension.

5. The respondent nos.1 and 2 (Union of India and CPWD) in their counter submitted that in view of absorption conditions, they are not liable to pay family pension to the applicant.

6. The respondent no.3 in his counter submitted that family pension to the applicant is payable by Employees Provident Fund Organisation (EPFO) i.e. respondent nos.4 and 5).

7. The respondent nos.4 and 5 in their short reply stated that the applicant is getting monthly widow pension under the Family Pension Scheme at the rate of Rs.450/- per month w.e.f. 14.8.2007, i.e., the date of death of the applicant's husband and the said amount is being credited in applicant's Bank Account No.3073000101257081 in Punjab National Bank, Nangloi. It was also pleaded that revised Pension Payment Order (PPO) is not required to be issued in view of PPO No.7137 (Annexure R-1) already issued to the applicant's husband.

8. The applicant filed rejoinder reiterating her version.

9. We have heard counsel for the parties and perused the case file with their assistance.

10. Counsel for the applicant stressed that vide letter dated 14.4.1986 (Annexure A-8) ITDC admitted that the applicant's husband is covered by the Family Pension Scheme w.e.f. 5.11.1984 and, therefore, the applicant is entitled to the family pension.

11. Counsel for respondent no.3 submitted that family pension under the Family Pension Scheme is payable to the applicant by respondent nos.4 and 5.

12. Counsel for respondent nos.1 and 2 submitted that in view of conditions of absorption in letter dated 10.7.1985, the respondent nos.1 and 2 are not liable to pay family pension to the applicant.

13. Counsel for respondent nos.4 and 5 submitted that family pension is already being paid to the applicant as per Family Pension Scheme.

14. We have carefully considered the matter. A bare reading of letter dated 10.7.1985 issued by CPWD granting permission for absorption of the applicant's husband in ITDC reveals that CPWD specifically mentioned in Condition No.(vi) that the Government of India would have no liability for family pension in respect of Shri Nanak Chand after his permanent absorption in ITDC, New Delhi. In view thereof, the respondent nos.1 and 2 are not liable to pay any family pension to the applicant in lieu of services rendered by her husband in CPWD.

15. As regards the claim of the applicant on the basis of letter dated 14.4.1986 (Annexure A-8) that the applicant's husband shall be covered by the Family Pension Scheme w.e.f. 5.11.2014, i.e., the date of his absorption in ITDC, the respondent nos.3 to 5 have admitted this position. However, respondent nos.4 and 5 asserted that they are already paying the family pension at the rate of Rs.450/- per month to the

applicant and the same is being credited in her Bank Account. This plea of the respondent nos.4 and 5 has not been denied or contradicted in the rejoinder. It is thus apparent that the applicant is already getting family pension under the Family Pension Scheme being paid by the respondent nos.4 and 5. In this regard, PPO No.7137 (Annexure R-1) has also been annexed. This PPO was issued in favour of the applicant's husband regarding his pension as well as regarding family pension after his death. It has both the components. Accordingly, the revised PPO is not required to be issued for family pension payable to the applicant. On the contrary, the applicant is getting family pension under the said PPO.

16. In view of the aforesaid, it is apparent that the instant OA has no merit because the applicant is already getting the family pension (relief claimed in the instant OA). Accordingly, the instant OA is dismissed leaving, however, the parties to suffer their respective cost.

**(SHEKHAR AGARWAL)  
MEMBER (A)**

**(JUSTICE L.N. MITTAL)  
MEMBER (J)**

/ravi/