

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

O.A. No.195/2015  
M.A. No. 4342/2015  
M.A. No. 176/2015

New Delhi this the 24<sup>th</sup> day of August, 2016.

**HON'BLE MR. P.K. BASU, MEMBER (A)**

Ms. Monika  
D/o late Shri Kishan Lal  
R/o C-15, Kasturba Niketan  
Lajpat Nagar, New Delhi

.. Applicant

(By Advocate : Shri Bed Prakash)

Versus

1. Union of India  
Ministry of Urban Affairs  
Through its Secretary  
New Delhi.
2. Employees Provident Fund Organization  
Through its Commissioner  
Ministry of Labour, Govt. of India  
Bhavishya Nidhi Bhawan  
14, Bhikaji Cama Place  
New Delhi – 110066.

.. Respondents

(By Advocate : Shri Amit Tyagi)

**ORDER (ORAL)**

The applicant has filed this O.A. challenging the letter dated 15.07.2014 written by the respondents to the applicant stating therein that family pension cannot be granted to her as on the date of her father's death, i.e. on 05.02.2002, as well as her mother's

death, i.e. on 18.11.2006, she enjoyed the status of a married daughter and, therefore, she was not eligible for family pension.

2. Learned counsel for the applicant argues as follows:

(i) that she had been having stained relations with her husband since 1999. She has filed a divorce petition and finally divorce was agreed on 01.09.2007. But during this period from 1999 to 2007, she was residing in her parents' house and, therefore, dependent one.

(ii) Copy of ration card issued in 2005 has also included names of the applicant and her son, Master Naman, along with Smt. Madhu, the wife of the deceased employee.

3. The learned counsel for the respondents drew my attention to O.M. dated 11.09.2013 of Department of Pension and Pensioners Welfare, para 4 of which clearly states as follows:

“4.... only those children who are dependent and meet other conditions of eligibility for family pension at the time of death of the Government servant or his/her spouse, whichever is later, are eligible for family pension...”

It is stated that there is no rule to grant family pension to a married daughter and since on the date of death of her father, she was married, family pension cannot be granted to her.

4. Learned counsel for the applicant relies on office memorandum dated 28.04.2011 regarding extension of scope of

family pension to widowed/divorced/unmarried daughter. However, this O.M. does not overwrite O.M. dated 11.09.2013 as regards eligibility of divorced daughter.

5. As regards the inclusion of her name in the ration card, this cannot be accepted as an argument because the provision of rules is absolutely clear that the daughter can be eligible only if she is unmarried, subject to certain conditions.

6. In view of this, the O.A. is dismissed as being devoid of merits. The M.As. are also accordingly disposed of. No order as to costs.

**(P.K. Basu)**  
Member(A)

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