

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

OA No.3299/2016

Order reserved on 02.08.2017
Order pronounced on 21.09.2017

Hon'ble Shri K N Shrivastava, Member(A)

Mrs. Sushma Singh, Age 48 years
W/o Late Shri Jagvir Singh, Asstt. Engineer
R/o B-165, Flat-A, Shalimar Garden
Extn-II Sahibabad
Ghaziabad, U.P.Applicant

(Through Advocate: Shri O.N. Sharma)

Versus

1. Union of India
Through its Secretary Doordarshan
Ministry of Broadcasting
New Delhi, India.
2. Chairman,
Prasar Bharati Secretariat
(India's Public Service Broadcaster)
2nd Floor, PTI Building, Sansad Marg
New Delhi-110001.
3. Directorate General, All India Radio
Prasar Bharti, Broadcasting Corporation of India
Civil Construction Wing HQ Level-I
6th Floor, Soochna Bhawan
CGO Complex
New Delhi-110003.
4. SSW-1, Prasar Bharti
Civil Construction Wing, All India Radio
6th Floor, Soochna Bhawan
New Delhi-110003.Respondents

(Through Advocates: Shri D.S. Mahendru for Res. No.1
and Shri Vikrant Yadav for Res. Nos.2-4)

ORDER

This Original Application has been filed under Section 19 of The Administrative Tribunals Act, 1985. The applicant has prayed for the following relief:-

“(a) Allowing the O.A. direct the respondents to grant family pension to the applicant and also release the complete entire death benefits to the applicant on the death of Late Shri Jagvir Singh.”

2. The factual matrix of the case are as under:

The applicant is wife of late Shri Jagvir Singh, who was employed with the All India Radio (respondent No.3). While working on the post of Assistant Engineer(Electrical), CCW, All India Radio, he died in harness on 08.01.2016. According to the applicant, late Shri Jagvir Singh and the applicant had two sons, namely, Kushagra Singh and Kalpit Singh. Kalpit Singh is 80% physically handicap.

3. The applicant is seeking compassionate appointment for her elder son Kushagra who is B. Tech (Chemical) and also possessing M.Tech and MBA Degrees.

4. The applicant married late Shri Jagvir Singh on 16.06.1985. Apparently, their marital relations got severely strained. As many as 84 cases have been filed by

them against each other. In an application filed u/s 125 Cr PC by the applicant in the year 2002 in the Court of Judicial Magistrate, Bulandshahar, U.P., the learned Judicial Magistrate, was pleased to grant interim maintenance allowance of Rs.8,000/- p.m. to the applicant's son, Kalpit Singh. The applicant's claim is that since she is a legally wedded wife of Late Shri Jagvir Singh and has two sons from him, they are entitled for family pension being the legal heirs of the deceased. As their claim for family pension has not been considered by the respondents, the applicant has filed the instant OA claiming the reliefs as indicated above.

5. Pursuant to the notice issued, the respondents entered appearance and filed the reply.

6. Respondent No.1 in its reply has stated that it is only a performa party and not an active party in the present case and hence, its name may be deleted from the array of respondents.

7. Respondent Nos.2 to 4 in their reply have stated that in the family details submitted by late Shri Jagvir Singh on 15.07.2015, name of the son Kushagra does not find any mention and hence his claim seeking compassionate appointment could not be granted by the respondents and

accordingly vide Annexure R-3 letter dated 02.11.2016, a reply has been sent by the respondents to Shri Kushagra Singh. The respondents have further stated that marital relationship of late Shri Jagvir Singh with his wife (applicant) had got strained and that the deceased had submitted a list of cases going on between him and the applicant. It is further stated that as per a court order, an amount of Rs.8,000/- was being paid to her per month by deducting the same amount from the salary of late Shri Jagvir Singh.

8. The respondents have further stated that late Shri Jagvir Singh had given details of his family on 15.07.2015 in which he has mentioned names of his father Shri Chhidda Singh(85 years), Smt. Parsandi Devi (80 years) and son Shri Kalpit Singh (20 years) only. It is further stated that the respondents have received a representation from Shri Chhidda Singh not to disburse any amount to the applicant.

9. The applicant filed a rejoinder to the reply filed by the respondents controverting the averments of the respondents in the reply. It has been broadly stated as under:-

(i) the family pension is regulated in accordance with Rule 54 of CCS (Pension) Rules, 1972, Rules 50 and 51 dealing with right to receive gratuity. Late Shri Jagvir Singh had nominated the applicant, being his wife, vide Annexure A-10 document dated 07.12.1990 as his nominee for receiving his Provident Fund in the event of his death. Since there is no notice of cancellation of the said nomination in accordance with Rule 53 (5), and no fresh nomination has been brought on record by the respondents, *ibid* nomination shall hold good.

10. The applicant has seriously questioned the veracity of Annexure R-1 document. The applicant has stressed that being legally wedded wife of the deceased Shri Jagvir Singh, she is entitled to receive the family pension.

11. After the completion of pleadings the case was taken up for hearing of arguments of the parties on 02.08.2017. Arguments of Shri O.N. Sharma, learned counsel for the applicant, Shri D.S. Mahendru, counsel for respondent No.1 and Shri Vikrant Yadav, counsel for respondent Nos.2-4 were heard.

12. Besides, reaffirming the averments made in the OA and rejoinder by the applicant, Shri O.N. Sharma, learned counsel for the applicant submitted that Section 54 of

CCS(Pension) Rules entitles wife and children of the deceased government servant to receive family pension. In this regard, reliance was placed by the learned counsel on a judgment of Hon'ble Supreme Court in the case of **Smt. Violet Issac v. Union of India**, (1991) 1 SCC 725, wherein it has been observed as under:-

"The Family Pension Scheme under the Rules is designed to provide relief to the widow and children by way of compensation for the untimely death of the deceased employee. The Rules do not provide for any nomination with regard to family pension, instead the Rules designate the persons who are entitled to receive the family pension. Thus, no other person except those designated under the Rules are entitled to receive family pension. The Family Pension Scheme confers monetary benefit on the wife and children of the deceased Railway employee, but the employee has no title to it. The employee has no control over the family pension as he is not required to make any contribution to it. The family pension scheme is in the nature of a welfare scheme framed by the Railway administration to provide relief to the widow and minor children of the deceased employee. Since, the Rules do not provide for nomination of any person by the deceased employee during his lifetime for the payment of family pension, he has no title to the same. Therefore, it does not form part of his estate enabling him to dispose of the same by testamentary disposition."

13. Shri Sharma further argued that the Additional District Magistrate(ADM), Ghaziabad has issued a succession certificate vide order dated 25.02.2016 indicating therein that the applicant and her two sons, namely, Kushagra and Kalpit Singh are the legal heirs of

late Shri Jagvir Singh, which has been submitted to the respondents. He has argued that respondents were not justified to insist upon the applicant to obtain a succession certificate by a competent court of law vide the impugned Annexure A-1 letter dated 26.07.2016. Shri Sharma also stressed that the Annexure A-10 nomination form submitted by late Shri Jagvir Singh in regard to his provident fund, wherein he has nominated the applicant as recipient of the provident fund in the event of his death, stands as a proof in support of the claim of the applicant for the family pension.

14. *Per contra*, learned counsel for the respondents argued that there was bitter marital discord between the applicant and her late husband Shri Jagvir Singh. As many as 84 cases have been filed by them against each other in various courts. It was further stated that deceased Shri Jagvir Singh had submitted details of his family in the prescribed Form-3 under Sub Rule 12(a)(i) of Rule 54 of CCS Pension Rules, wherein he had declared his parents and only one son, namely, Shri Kalpit Singh as family members and thus, it was argued that only these persons are the successors of the deceased and are entitled for receiving any financial benefits including the family pension. It was vehemently argued by the learned counsel

for the respondents that the applicant is not at all entitled for receiving the family pension.

15. I have considered the arguments of learned counsel for the parties. Admittedly, the applicant is legally wedded wife of late Shri Jagvir Singh. It is also an admitted fact that the marital relations of Shri Jagvir Singh with the applicant had severely deteriorated, so much so that numerous cases have been filed by them against each other in various courts of law. In the present OA, the issue is regarding grant of family pension. Rule 54 of CCS Pension Rules, deals with the issue of family pension. Sub Rule 12 (a)(i) of this rule states as under:-

"12(a)(i) As soon as a Government servant enters Government service, he shall give details of his family in Form 3 to the Head of Office."

16. In the prescribed Form 3, a Government servant is required to give details of his family. The respondents have produced the family details furnished by the deceased, Shri Jagvir Singh, in the prescribed form in which he had declared his parents and his son Kalpit Singh as his family members. This form is signed by the applicant on 15.07.2015. Except this document, there is no other document available on the record to say that the

deceased had earlier declared some other persons including the applicant also as his family members. In this view of the matter, this documents only can be acted upon since the controversy involved is in regard to the family pension. The contention of the applicant that the deceased Shri Jagvir Singh has nominated her as his nominee vide Annexure A-10 document to receive his provident fund in the event of his death is alien to the present controversy. The issue involved in the present OA is in regard to eligibility of person/s to receive family pension and not the Provident fund. It is admitted fact that the marital relationship of late Shri Jagvir Singh with his wife (applicant) had severely got damaged, almost beyond redemption and they were fighting as many as 84 cases against each other. In light of this, the applicant has no moral right or even legal right to claim entitlement to the family pension which definitely has umbilical link with her deceased husband. Given the bitter marital relationship that they had and the fact that they were not staying together since 2005, it is not understandable that the deceased chose not to include the name of the applicant as one of his family members in the nomination form dated 15.07.2015(Annexure R-1).

17. Under these circumstances, granting entitlement to the applicant to receive family pension would be a travesty of justice.

18. In the conspectus of discussions in the foregoing paragraphs, I do not find any merit in this OA. It is accordingly dismissed. There shall be no order as to costs.

(K.N. Shrivastava)
Member (A)

/vb/