

**Central Administrative Tribunal
Principal Bench**

OA-3786/2015

New Delhi, this the 31st day of October, 2017.

Hon'ble Mr. Uday Kumar Varma, Member (A)

Kumari Kanchen Negi,
D/o Late Makar Singh Negi
Age 58 years,
R/ C/o Sh. I.S. Negi, House No. 59,
Maansinghwala
Dehradoon ... Applicant

(through Sh. Padma Kumar S. with Sh. K.K. Mishra)

Versus

1. Union of India through
General Manager,
Headquarters,
Northern Railway, Baroda House,
New Delhi.
2. Secretary,
Ministry of Personnel, Public
Grievances & Pensions, Department of Pension
& Pensioners' Welfare, Lok Nayak Bhawan,
Khan Market, New Delhi ... Respondents

(through Sh. Kripa Shankar Prasad)

ORDER (ORAL)

The case in this OA in brief is that the applicant is unmarried daughter of one Sh. Makar Singh Negi, who died on 30.11.1974. He was survived by his wife and four daughters including the applicant and while all the other sisters of the applicant were married, the applicant was unmarried and continues to be unmarried. The

respondents had granted family pension to Smt. Amra Devi, the widow of Makar Sing Negi, who was getting the benefit of family pension till she died on 03.11.2005. Subsequent to her death, the applicant, i.e., the unmarried daughter approached the respondents for grant of family pension after the death of her mother in the light of provisions of DoPT OM dated 06.09.2007, Ministry of Railways letter dated 18.09.2007 as also DoPT OM dated 28.04.2011 which further clarified and amplified these provisions.

2. It is not disputed by either of the parties that in a situation where unmarried daughter survives the mother who was getting the family pension, she is entitled to the grant of family pension irrespective of the time of death. However, the pension will be admissible from the death of issuance of order. Learned counsel for the applicant submitted that while the respondents have been considering her case, they are insisting that the applicant produce before them a copy of the PPO issued at the time of grant of sanction of pension to her father and while she has been able to give the correct PPO number and other details, a copy of the same is not available with her. It is also the contention of the applicant that the respondents have been raising the question of her relationship with the deceased employee i.e. Makar Singh Negi and also to establish that she is indeed the unmarried daughter of the deceased employee.

3. The counsel for the respondents, however, submits that the responsibility and onus of providing the documents namely PPO of Makar Singh Negi lies with the applicant and while the respondents are more than willing to consider the case sympathetically, they are unable to consider it because a copy of the PPO is not being produced by the applicant despite several requests.

4. I have given my thoughtful consideration to this matter. What is not disputed is the fact that Sh. Makar Singh Negi died on 30.11.1974 and that after his death, family pension was granted to his widow and that the applicant, if she is unmarried daughter of that widow, is entitled for family pension. The problem seems to be the availability of PPO which either of the contesting parties is unable to produce. The applicant has placed before us a document which is a letter issued by the Treasury Officer of Dehradun which says that as per rules, after the death of the pensioner, after payment of remaining balance, PPO is returned to the PPO issuing authority/Officer. At present, in the treasury, Makar Singh Negi's original PPO is not there.

5. The contention of the respondents on the other hand is that since it is an old document, they are unable to trace it. So the question now boils down to the issue that a potentially eligible person is not able to get the benefit of family pension because certain documents are missing which neither the applicant is in a

position to produce nor are the respondents admitting that they are in their possession.

6. During the course of arguments, learned counsel for the applicant stated that perhaps the respondents have some difficulty in considering this case because they may be having a doubt whether the applicant is indeed the unmarried daughter of the deceased Makar Singh Negi. He further suggested that in order to remove this doubt, he is willing to obtain a succession certificate in favour of the unmarried daughter i.e., the applicant and the respondents may consider the same as evidence that she was indeed the rightful claimant for family pension on the death of her mother. Such a suggestion was not opposed by learned counsel for the respondents.

7. In view of the above, I will accept the suggestion made by learned counsel for the applicant and if he is able to obtain, an unequivocal, succession certificate in favour of applicant, she may approach the respondents with this succession certificate with all other relevant documents and respondents are directed to take a decision on this in a period of three months from the date of receipt of such a request in writing form from her notwithstanding the inability of the applicant to produce a copy of the PPO. The respondents are also expected to realise that this seems to be a genuine case for claim of family pension and must be considered

holistically and not rejected merely on a technical ground that the applicant is unable to produce a copy of the PPO.

8. OA is accordingly disposed of.

(Uday Kumar Varma)
Member (A)

/ns/