

**Central Administrative Tribunal
Principal Bench
New Delhi**

OA No.1406/2018

Reserved on:04.12.2018
Pronounced on: 10.12.2018

Hon'ble Ms. Praveen Mahajan, Member (A)

Munni
W/o Late Shri Hardayal
Aged about 49 years
R/o Village Barona,
District Sonapat
Haryana.

... Applicant

(By Advocate: Ms. Sunita Yadav for Shri Kaushal Yadav)

VERSUS

1. The Superintending Engineer
DCC-10, CPWD, B-309, IP Estate
New Delhi – 110 002.

2. Executive Engineer
Dr. RML Hospital Division
CPWD, New Delhi – 110 001.

...Respondents

(By Advocate: Shri R.K.Sharma)

O R D E R

The grievance of the applicant in OA, namely Smt. Munni is that the respondents have denied her grant of family pension and other service benefits of her late husband Shri Hardayal. Briefly stated, the husband of the applicant Shri Hardayal was serving with the respondents' department as Peon in the Central Public Works Department (CPWD) since 1983.

2. The applicant married the deceased in 1985. On 15.02.2015, the husband of the applicant expired while in service. After his death the respondents released partial service benefits of her deceased husband in favour of the nominee, who was the niece of late Shri Hardayal. The applicant's request for grant of family pension and other service benefit of the deceased husband in her favour has been denied by the respondents on the ground that her name does not figure in the service records of late Shri Hardayal.

3. The applicant submits that she is the legally wedded wife of late Shri Hardayal. This fact, she states is borne out from the revenue record (Annexure A-3) dated 10.10.2017 as well as the Aadhar card, showing that she is the wife of Shri Hardayal (Annexure A-4.). Thus – she is entitled to all his retiral dues and family pension etc.

4. Despite issue of legal notice (dated 06.01.2018), the respondents have denied her family pension on the ground that applicant's name is not available in the service record of the deceased, Shri Hardy al.

5. On going through the facts of the case carefully, I observe that in the nomination papers of Shri Hardayal – the name of the applicant does not figure. The former changed his nomination form, in his service record twice. In the first nomination

dated 28.11.1996, the name of his sister and niece has been mentioned for share of his gratuity. Subsequently, on 27.01.2003 the nominee has been mentioned as Ms. Sunita, his niece. The respondents have thus paid the DCRG etc. to the nominee mentioned in the service record of the deceased employee, as per law. However, the family pension has been denied to the niece, who is married. It has also been denied to Smt. Munni, applicant in OA since her name does not find any mention in the service record of the late Shri Hardayal.

6. The applicant has produced proof in the form of an Aadhar Card and revenue records to show that she is the legally wedded wife of Shri Hardayal and thus rightful claimant to family pension. The respondents are reluctant to release the family pension in her name due to absence of her name in service record of late Shri Hardayal.

7. In view of the proof produced by the applicant-Aadhar Card and revenue records, veracity of which is not in dispute, the respondents are directed to grant provisional family pension to the applicant. Smt. Munni, widow of Shri Hardayal is also advised to apply for award of succession certificate before the appropriate court to enable the respondents to release the final family pension in her favour. OA is disposed of with these directions. No costs.

(Praveen Mahajan)
Member (A)

