

**Central Administrative Tribunal
Ernakulam Bench**

OA/180/00879/2015

Wednesday, this the 24th day of October, 2018

C O R A M

Hon'ble Mr.Ashish Kalia, Judicial Member

Sobhanakumari, aged 53 years
W/o Late Gopi
Chelarath Pattaruvalappil House
Edapal P.O.
Malappuram District.

Applicant

[Advocate: Mr. P.K.Madhusoodanan]

versus

1. The Bharat Sanchar Nigam Ltd
represented by Chief General Manager
Kerala Circle, Door Sanchar Bhavan
Trivandrum 695 033.
2. The Principal General Manager
Bharat Sanchar Nigam Ltd
BSNL Bhavan, Kochi-682 016.
3. The Executive Engineer
Bharat Sanchar Nigam Ltd
Electrical Division
Ernakulam, Cochin-682 016
4. Controller of Communication of Accounts Wings
Bharat Sanchar Nigam Ltd
Trivandrum-695 033.
5. Karishma Gopi
D/o Late M.S.Gopi
Malikku House, PO Thalavodi South
Alappuzha District-688 011.

Respondents

[Advocate: Mr.K.Anand for R1 to 4, Mr. R.S.Kalkura for R5]

This OA having been heard on 24th October, 2018, the Tribunal on the same day delivered the following order:

ORDR (oral)

The matter was heard at length. The controversy has now been narrowed down. The applicant, second wife of the deceased employee Sri M.S.Gopi is claiming family pension whereas earlier, the respondents had granted the same to the daughter from his first wife. At this stage, Mr. P.K.Madhusoodanan, learned counsel for the applicant, has submitted that there are still medical bills pending with the respondents. This Tribunal had directed, on the previous occasion, for completion of the requisite formalities. Be that as it may, this Tribunal is of the view that the applicant herein is entitled to family pension as per Rule 54 Sub Rule 7 (c) . This OA succeeds with the following directions:

(i) The family pension be released to the applicant from the date of last payment to the daughter from his first wife, along with arrears of pension. The Department may consider sympathetically the medical bills so submitted by relaxing conditions connected with the procedural aspects, if any, keeping in view the illiteracy of the widow. If any other grievance subsists, the applicant is free to make a representation to the Department. The Department may pass a speaking order. The OA is disposed of with the above direction.

(Ashish Kalia)
Judicial Member

aa.

Annexures produced on behalf of the applicant:

Annexure A1: Copy of the order dated 7.10.2014 of this Tribunal, directing the official respondents to consider payment of Family Pension to the applicant as per law.

Annexure A2: Copy of the order No.AO(Estt)/MSG/Ele.Divn/Genl/2015-16/4 dated 9.7.2015 issued by the 2nd respondent.

Annexure A3: Copy of the salary slip for the month of June-July 2011.

Annexure A4: Copy of the application along with enclosures submitted by the applicant.

Annexure A5: Copy of the salary slip of the petitioner's husband for June, July, 2011.

Annexure A6: Copy of the particulars got from the website that the 5th respondent is employed in the Aricent Company which is an IT Company at Trivandrum, as Software Engineer since 2013.

Annexure A7: Copy of the marriage invitation card in respect of the 5th respondent and Sri S.Gowtham.

Annexure A8: Copy of the representation dated 11.10.2018 submitted by the applicant to the 3rd respondent, with copy to the 1st respondent, by registered post.

Annexures filed by the respondents:

Annexure R1(a): Copy of death certificate of mother of M.S.Gopi.

Annexure R1(b): Copy of Rule 54 of CCS (Pension) Rules 1972, family pension, 1964, Sub Rule 7 (a)(i) and 3 (c)

Annexure R1(c) & (d): Copy of certificates dated 10.8.2015 issued by the Thahasildar, Kuttanad.

Annexure R1(e): Copy of order No.CCA/KRL/DA-1/723/11-12/6478 dated 2.5.2013.

Annexure R1(f): Copy of the legal heirship certificate.

Annexure R1(g): Copy of the legal opinion obtained from Adv. Johnson Gomez, Standing Counsel for BSNL.

Annexure R1(h): Copy of the GPF ledger for the financial year 2010-2011 and 2011-2012.

Annexure R1(i): Copy of the consent letter from the applicant.

Annexure R1(j): Copy of letter No.12-1/2009-BSNL(WL) dated 1.6.2009 of DGM (Welfare & Sports) & Secretary BSNL Staff Welfare Board.