

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.170/00955/2016

DATED THIS THE 17TH DAY OF OCTOBER, 2017

HON'BLE DR. K.B. SURESH, MEMBER(J)

HON'BLE SHRI P.K. PRADHAN, MEMBER(A)

1.K.R. Divyashree,
D/o Late K.C. Ramanna Gowda,
Aged about 29 years,
Working as Technician-III,
Electrical Department,
Senior Ticket Examiner,
South Western Railway,
Mysore.

2.K.R. Deepashree,
D/o Late K.C. Ramanna Gowda,
Aged about 28 years,
Residing at 119, Mahadeshwara Badavane,
Kubarakoppal,
Mysore.

3.K.R. Ravi Prasanna,
S/o Late K.C. Ramanna Gowda,
Aged about 24 years,
Working as Khalasi Helper,
Electrical Department,
Senior Ticket Examiner,
South Western Railway,
Mysore.

...Applicants

(By Advocate Shri Izzhar Ahmed)

V/s

1.Senior Divisional Personnel Officer,
South Western Railway,
Mysore Division,
Mysore-21.

2.Senior Divisional Finance Manager,
(Accounts Department)
South Western Railway,
Mysore Division,
Mysore-21.

3. Senior Divisional Operating Manager,
South Western Railway,
Mysore Division,
Mysore-21.

4. The Union of India,
Through the General Manager,
South Western Railway,
Gadag Road,
Hubli-20.

...Respondents

(By Shri N. Amaresh, Railway Standing Counsel)

O R D E R (ORAL)

HON'BLE DR. K.B. SURESH, MEMBER(J)

Heard. The matter is in a very small compass. The matter relates to family pension. When the government servant passed away leaving three legal heirs, the first among them, the eldest daughter was given an appointment on compassionate grounds. Now the family pension can be received by any one in the family as a trustee for others as well and in this case apparently are her younger siblings. It would appear that on her being married, she had reported to the Railways that the pension may now be accorded in the name of her younger sister.

2. Now the Railways have found that while she is in employment, she cannot draw the family pension as well. It is correct. She cannot draw it for herself. She can, obviously draw for her siblings, who are under her care. Therefore, it will be assumed that the family pension, even though given in her name, has been given to her as a trustee and which she apparently appropriated for the benefit of her siblings. In future, let it be paid to the 2nd daughter as the son who is already 24 years will cross over 25, which is the limit for family pension.

3. OA allowed to this extent. Recovery notice issued by the Railways for the alleged wrong payment of family pension to the eldest daughter, is hereby quashed. No costs.

(P.K. PRADHAN)
MEMBER(A)

(DR. K.B. SURESH)
MEMBER(J)

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Annexures referred to by the applicant in OA. No.955/2016

Annexure-A1: Copy of the representation dated 08.12.2007 and 07.01.2008.

Annexure-A2: Copy of the impugned letter dated 05.06.2012.

Annexure-A3: Copy of the letter dated 07.09.2012.

Annexure-A4: Copy of the representation dated 26.08.2013.

Annexure-A5: Copy of legal notice dated 26.08.2013.

Annexure-A6: Copy of the order dated 16.12.2013 in OA. No.1539/2013.

Annexure-A7: Copy of the representation dated 21.01.2014.

Annexure-A8: Copy of the representation dated 19.02.2014.

Annexure-A9: Copy of letter dated 25.03.2014.

Annexure-A10: Copy of the letter dated 01.04.2014.

Annexure-A11: Copy of impugned letter dated 27.02.2015.

Annexure-A12: Copy of the representation dated 24.03.2015.

Annexure-A13: Copy of the representation dated 24.03.2015.

Annexure-A14: Copy of letter dated 11.05.2015.

Annexure-A15: Copy of letter dated 12.06.2015.

Annexure-A16: Copy of impugned letter dated 15.06.2015.

Annexure-A17: Copy of extract Rule-9 of Pension Manual-1993.

Annexure-A18: Copy of extract Rule-75 of Pension Manual-1993 .

Annexure-A19: Copy of Railway Board's letter dated 22.06.2016.

Annexure-A20: Copy of DoP&T's OM dated 06.02.2014.

Annexure-A21: Copy of DoP&T's OM dated 02.03.2016.

Annexure-A22: Copy of extract Rule-89 of Pension Manual-1993.

Annexure-A23: Copy of Schedule of Powers SWR- 2004.

Annexure-A24: Copy of circular of Reserve Bank of India dated 17.3.2016.

Annexures referred to by the respondents.

Annexure-R1: Copy of PPO.

Annexure-R2: Copy of letter dated 04.06.2012.

Annexure-R3: Copy of Letter dated 07.09.2012.

Annexure-R4: Copy of letter dated 14.09.2012.

Annexure-R5: Copy of letter dated 29.01.2013.

Annexure-R6: Copy of letter dated 08.07.2013.

Annexure-R7: Copy of letter dated 27.02.2015.

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