

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00494/2017

Dated Thursday the 26th day of April Two Thousand Eighteen

PRESENT

HON'BLE MR. R. RAMANUJAM, Member (A)

1.K.Sagayam,
2.S.Rajeswari.Applicants

By Advocate M/s. R. Rajesh Kumar

Vs

- 1.Union of India
rep by its Secretary,
Department of Telecommunication,
Sanchar Bhavan,
New Delhi 110001.
- 2.The Principal Controller of Communication Accounts,
Dept of Telecommunication,
Tamil Nadu Circle,
Chennai 600008.
- 3.The Chief General Manager,
BSNL, Chennai Telephones,
No. 78, Purasaiwalkam High Road,
Chennai 600010.
- 4.The Deputy General Manager,
(HR & Admin),
BSNL Chennai Telephones,
No 89, Millers Road,
Chennai.Respondents

By Advocate Mr. S. Nagarajan (R1,2)
Mr. S. Gopinathan (R3,4)

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))

Heard. The applicant has filed this OA under section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

“To direct the respondent to add the 2nd respondent's name in space meant for Spouse name in the 1st applicants Pension Payment Order Book bearing PPO No. 602015061237542 and consequently direct the respondent to grant family pension to the applicants and pass such or further order as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and thus render justice.”

2. Learned counsel for the applicant submits that the first applicant was a telephone mechanic in the 3rd respondent's office at the time of his superannuation on 30.06.2015. Earlier he was an employee of the first respondent before the 3rd respondent organization was formed and was accordingly entitled to pension and family pension in terms of the relevant rules. The 2nd applicant is the legally wedded wife of the first applicant which fact had been declared by the first applicant way back on 29.12.1981 in Form-III. The second applicant had been enjoying all the benefits due to a spouse while he was in service such as medical reimbursement, LTC, etc.

3. Around the time of the 1st applicant's superannuation, one S.

Veerammal claiming to be the wife of the first applicant moved the II Additional Family Court, Chennai for a decree to the effect that she was entitled to all the benefits such as family pension, etc. The Family Court initially passed an injunction restraining the respondents from releasing the terminal benefits to the first applicant. Subsequently, the Family Court passed a decree in OS 144/2015 by an order dt. 26.04.2016 in terms of the compromise struck between the said Veerammal and her two daughters on the one hand and the first applicant on the other. Accordingly, the first applicant undertook to pass on 75 percent of all his retirement benefits as a one time full and final payment to the said Veerammal and her daughters. The latter, on their part, undertook not to claim any further amounts either from the arrears or from the pension of the first applicant or from the wife of the first applicant in future.

4. The grievance of the applicant is that inspite of the said decree and subsequent release of terminal benefits of the first applicant of which 75 percent had already been handed over to the said Veerammal, the respondents refuse to accept the name of the second applicant as wife for the purpose of family pension. It is submitted that the first applicant is suffering from terminal cancer and is desperately in need of an urgent settlement. He accordingly seeks a

direction to the respondents to accept the name of the second applicant as the wife of the first applicant for the purpose of family pension.

5. Learned counsel for respondents 1 and 2 would submit that as of now, there is no evidence that the second applicant was the legally wedded wife of the first applicant. The compromise struck between the first applicant on the one hand and the said Veerammal and her children on the other would imply that the said Veerammal was the legally wedded wife as otherwise there was no need to strike a compromise. Even after the compromise the fact would still remain that the second applicant is not a legally wedded wife unless a decree to such effect is produced from a Family Court. Till such time, it will not be possible for the respondents to include her name in the records for the purpose of family pension.

6. Learned counsel for respondents 3 and 4 would submit that the claim of the applicant appeared to be genuine on the basis of available records and, therefore, the case for inclusion of the second applicant in the family pension records had already been forwarded to the competent authority with the recommendation of the 3rd and 4th respondent.

7. I have considered the submissions. It is not in dispute that the first applicant had declared the second applicant as his wife in 1981

itself and the second applicant had enjoyed all the benefits due to a family member of the employee while he was in service. If any person disputes the factum of the second applicant being the wife of the first applicant and also alleges that the disputant is the legally wedded wife, it would be for the latter to produce the requisite documentary and oral evidence in support of her claim before the competent authority. There is no evidence of any such documents having been produced by the disputant before the respondents, except for the proceedings before the Family Court. The compromise struck between the first applicant and the disputant on the basis of which the Family Court passed the decree contains no mention whatsoever of the disputant being the legally wedded wife of the first applicant. As such, it is unfair on the part of the respondents to deny family pension to the second applicant based on the objections raised by the disputant which has already been settled by the Family Court in terms of the compromise struck between the first applicant and the disputant. In the absence of any independent and reliable evidence with the respondents to the effect that the second applicant is not a legally wedded wife of the first applicant, their refusal to include the second applicant's name in the records for the purpose of family pension is wholly unjustified and untenable.

8. In view of the above, the respondents are directed to include the name of the second applicant in the records for the purpose of family pension and issue a revised PPO in favour of the applicants within a period of four weeks from the date of receipt of a copy of this order.

9. OA is disposed of with the above direction. No order as to costs.

**(R. Ramanujam)
Member(A)
26.04.2018**

SKSI