

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/01868/2016

Dated Tuesday the 19th day of June Two Thousand Eighteen

PRESENT

HON'BLE SMT. B. BHAMATHI, Member (A)

R.Sakku Bai,
No. 82/35, West Mada Street,
Kaladipet, Tiruvottiyur,
Chennai 600019.Applicant

By Advocate M/s. Ratio Legis

Vs

- 1.Union of India rep by,
The General Manager,
Southern Railway,
Park Town,
Chennai 600003.
- 2.Chief Workshop Manager,
Carriage & Wagon Workshop,
Perambur, Southern Railway,
Chennai 23.
- 3.The Financial Advisor &
Chief Accounts Officer/WST,
Perambur, Southern Railway,
Chennai 23.Respondents

By Advocate Mr. K. Vijayaragavan

ORAL ORDER

(Pronounced by Hon'ble Smt. B. Bhamathi, Member(A))

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

“To call for the records related to Pension Payment Advices in favour of late E.Ramalingam, the letter dated 05.01.2015 by the respondent and representation dated 16.03.2016 and further to direct the respondents to add 20% of the basic pension with effect from 14.02.2013 with all the attendant benefits with admissible interest to the normal family pension drawn by the applicant and to make further order / orders as this Hon'ble Tribunal may deem fit and proper and thus render justice.”

2. It is submitted that the applicant is the widow of late E. Ramalingam who worked as a Chief Clerk in the Southern Railway and died on 14.12.2004 and thereafter the applicant was extended with family pension. She was not granted the 20% additional basic pension to the normal family pension when she attained 80 years of age. The representation dated 19.11.2012 submitted was not considered. Later, on applying under RTI Act, the revised PPO relating to Pre 2006 retiree in favour of applicant's husband was circulated and it was further conveyed that since the revised PPO carried her date of birth as 14.02.1947 the additional pension would be due on and from 14.02.2027. She made a representation dated 16.03.2016 clarifying that the date of birth was wrong and the same should be 14.02.1933 along with a copy of the pan card. Since there was no action by the respondents, she has approached this Tribunal.

3. The respondents have filed their reply contesting the claim of

the applicant. It is submitted that as per DoPT OM dated 25.06.2010, in case the information regarding the date of birth is not available in the PPO or the Office Records, certain documents would be acceptable as proof of date of birth for payment of additional pension / family pension on completion of age of 80 years and above. In the instant case, the date of birth of the family pensioner ie., the applicant is available in the office records which is recorded as 13.03.1947.

4. Heard the learned counsels and perused the records.

5. Learned counsel for the applicant relies on DoPT OM dated 13.09.2012 regarding request of change of date of birth of family pensioner forwarded in 2015 by letter dated 13.10.2015. He relies upon para 4(ii) of the OM. On going through the para 4(ii), learned counsel for applicant fairly concedes that he has not filed a declaration on a non-judicial stamp paper and it may be directed to produce the same before the respondents.

6. Learned counsel for the respondents has no objection to the same. As per earlier directions of this Tribunal, he submits the original PPO in a sealed cover which was opened and the records were verified. The same was returned to the learned counsel for respondents for production of a photo copy of the same today itself which was taken on record.

7. It is seen that Para 1 of the DoPT OM dated 13.09.2012

stipulates the documents listed as proof regarding change of date of birth as PAN card, Voter ID, Aadhaar among others.

8. In view of the above, I deem it fit to permit the applicant to submit a copy of Voter ID and Aadhaar card along with a declaration on non-judicial stamp paper regarding change of date of birth. On receipt of the same, the competent authority ie., 2nd respondent in this case is directed to examine the records and give a personal hearing to the applicant and pass a reasoned and speaking order within a period of 16 weeks thereafter. If the HoD is satisfied that the request of change of date of birth is acceptable, then the change of date of birth may be carried out. If not done, the applicant is at liberty to approach this Tribunal for redressal of her grievances if any.

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

(B. Bhamathi)
Member(A)
19.06.2018

SKSI