

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA/021/00710/2017

Date of CAV : 28.08.2018
Date of Order : 18-09-2018

Between :

A.N.V.V.KarthikS/o Late Smt.T.Anuradha,
Aged about 23 years, Occ : Unemployed,
R/o Plot No.129/B, Malla Reddy Colony,
Beeramguda, Sangareddy District, Telangana.Applicant

AND

1. The Union of India rep by Director General,
Department of Posts, Dak Bhavan,
Sansad Marg, New Delhi-1.
2. The Chief Postmaster General,
Telangana Circle, Dak Sadan, Hyderabad-1.
3. The Postmaster General, Hyderabad Region, Hyderabad.
4. The Sr. Superintendent of Post Offices,
Hyderabad City Division, Hyderabad-1.
5. The Superintendent of Police,
Government Railway Police, Secunderabad.
6. The Superintendent of Police, Khammam,
Government of Telangana.Respondents

Counsel for the Applicant: Mr. A.Raghu Kumar

Counsel for the Respondents : Mr.M.VenkataSwamy, Addl. CGSC
Mrs.G.Manjula for RR 5 & 6

CORAM :

THE HON'BLE MR.SWARUP KUMAR MISHRA, JUDICIAL MEMBER

(Order per Hon'ble Mr.Swarup Kumar Mishra, Judicial Member)

(Order per Hon'ble Mr.Swarup Kumar Mishra, Judicial Member)

The applicant has claimed that he is entitled to get the family pension after the death of his mother. The deceased government servant, while working as Post Woman died on 22.10.2013.

2. The applicant had filed family member certificate, financial status certificate, no earning member certificate along with other relevant documents including the certificate that of person-with-disability along with his application claiming for family pension. The percentage of disability in the case of the applicant is 90%. The application of the applicant was rejected by the Respondents as per the order dated 04.09.2014 (vide Annexure A-I, page-12 to OA) mentioning as follows :-

(i) The family must lodge a report with the concerned Police Station and obtain a report that your father Sri A. J. L. Narsimha Rao h/o late Smt. T. Anuradha has not been traced after all efforts had been made by the Police ;

(ii) An Indemnity Bond should be furnished by the dependents of the employee that all payments will be adjusted against the payments due to the employee in case he appears on the scene and makes any claim.

3. Mr. A. J. L. Narasimha Rao, father of the applicant and husband of the deceased employee Smt. T. Anuradha was working as Civil Police Constable

and was transferred to Railway Police, Secunderabad on deputation basis and was repatriated to Khammam District vide RC No.1052/A1/96-97, dated 14.05.1997. As seen from Annexure As seen from Annexures A-IX and A-X (pages 21 and 22 to OA), father of the applicant not reported in the District and has not drawn any pay from the year 1997. As per the CCS (Pension) Rules, during the life time of the deceased employee Smt. T. Anuradha, is not entitled to any family pension. No FIR has been lodged by the applicant mentioning that his father is missing or his whereabouts are not known. No death certificate has also been filed. Therefore it is not possible to accept the claim of the applicant that his father is either dead or not traceable by the family members. For the purpose of accepting any Civil Death of a person, it must be proved that the said person is not heard of or seen by his family members and by those who would naturally have heard of him, if he had been alive as per section 108 of the Evidence Act for more than seven years. Besides that lodging of FIR by the family members is also a mandatory requirement to comply with the formalities. In the absence of any material on record that the father of the applicant is dead or not heard off since more than seven years, the application made by the applicant for sanction of family pension is premature.

4. The applicant is at liberty to file approach the appropriate forum in case the authorities fail to consider the further material produced by the applicant showing that his father either dead or not heard of since seven years. Accordingly the Tribunal finds that the OA is devoid of merits at this stage. Accordingly the same is dismissed.

5. However, in the circumstances of the case, there shall be no order as to costs.

(SWARUP KUMAR MISHRA)
JUDICIAL MEMBER

Dated : 18th September, 2018.

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