

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00430/2016

Jabalpur, this Thursday, the 17th day of May, 2018

HON'BLE MR. NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER

Smt. Ganga Bai, w/o late Shri Hari, age – 65 years, cast – Thakur, R/o-c/o Chandan Rajak, 25 Cent Ward, Kaondi. C.O.D. Road Jabalpur, The. & Distt. – Jabalpur M.P. 482011

-Applicant

(By Advocate – Shri R.S. Yadav)

V e r s u s

1. Union of India through the Secretary, Ministry of Defense, New Delhi 110066.

2. The Commandant Officer, Central Ordnance Depot, Distt. – Jabalpur M.P. 482011.

3. The Principal (CDA) Pension, Grant 1 Civil SEC GP EDP Allahabad, Distt. – Allahabad 211001

-Respondents

(By Advocate – Shri P.K. Chourasia)

(Date of reserving order : 16.05.2018)

O R D E R

By Navin Tandon, AM.

The applicant has filed this Original Application for grant of family pension to her.

2. Brief facts of the case are that husband of the applicant late Shri Hari, was in employment under the respondent department. He retired from service on 30.09.2003 and thereafter died on 23.01.2010.

2.1 The grievance of the applicant is that after death of her husband, she submitted an application dated 06.07.2015 (Annexure A-1) for providing family pension to her. However, the same has been rejected by the respondents vide order dated 24.07.2015 (Annexure A-2).

3. The applicant has sought for the following reliefs:

“8.1 To direct the Respondents to grant family pension with due to the applicant.

8.2 Any other relief which the Hon’ble Tribunal deems fit and proper, looking to the facts and circumstances of the case. And also awarded cost of this petition to the petitioner.”

4. In their reply, the respondents have submitted that on 08.01.2003, the deceased had informed in writing that his wife was not staying with him due to some family dispute. After retirement and during his lifetime, the deceased has never informed the department about settlement of his family dispute

nor submitted any application for grant of family pension in favour of the applicant. Therefore, the applicant is not entitled for grant of family pension to her.

5. We have heard the learned counsel for the parties and gone through the pleadings.

6. It is an admitted fact of both the parties that the applicant is a legally wedded wife of late Shri Hari, who was an employee of respondent department. The sole ground has been taken by the respondents, while rejecting the claim of the applicant, that there was some dispute between the applicant and her deceased husband regarding which the deceased has informed the department on 08.01.2003. Thereafter, the deceased retired from service on 30.09.2003 on attaining the age of superannuation and no information was submitted by the deceased regarding settlement of family dispute.

7. We are not convinced with the stand taken by the respondent department in rejecting the claim of the applicant, particularly when, there is no document to show whether there was any judicial separation/divorce between the applicant and

the deceased, and if not, then the applicant cannot be deprived of receiving the family pension after death of her husband late Shri Hari. Merely on the basis of some information provided by the deceased during his service tenure regarding the dispute between him and the applicant, cannot be said to be justified in denying family pension to the applicant.

8. Accordingly, this Original Application is allowed and Annexure A-2 is quashed and set aside. We direct the respondents to grant family pension to the applicant from the date when she became eligible to receive the same, i.e. after death of her husband. The aforesaid exercise shall be completed within a period of 90 days from the date of receipt of a certified copy of this order. No order as to costs.

(Ramesh Singh Thakur)
Judicial Member

(Navin Tandon)
Administrative Member

am/-