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CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A. No. 350/00753/2016

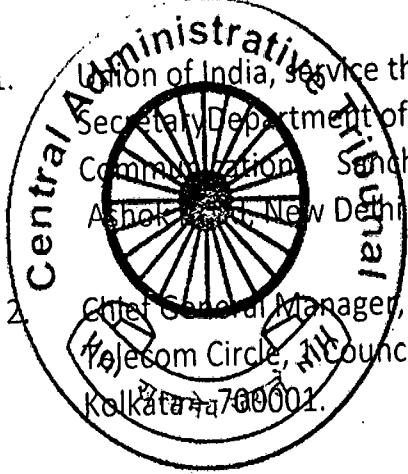
Date of Order: 9.7.18

Present: Hon'ble Ms. Bidisha Banerjee, Judicial Member

Laila Begum, wife of Md. Irshad Ali
Of Mirpur, Dharmadanga more
P.O. & P.S. Kalna (Ambika), District –
Burdwan, West Bengal, Pin Code – 7
13409 (As House Wife).

.....Applicant.

-vs-



1. Union of India, service through the
Secretary Department of Tele-
Communication, Sanchar Bhawan,
Ashok Road, New Delhi – 110001.

2. Chief General Manager, West Bengal
Telecom Circle, 11 Council House Street,
Kolkata – 700001.

3. Controller of Communication & Accounts
Department of Telecommunication
8, Esplanade East, Kolkata – 700001.

4. The General Manager, Calcutta SSA,
West Bengal Telecom Circle, 8, Red
Cross Place, Kolkata – 700001.

5. Assistant General Manager, Barasat
West Bengal Telecom Circle, P.O. & P.S.
– Barasat, West Bengal, Pin Code – 7.

6. Anowara Begum alias NurBanuBibi
Hospital Para, Circus Maidan, P.O. &
P.S. – Katwa, West Bengal, Pin Code –
713130.

.....Respondents.

For the Applicant : Mr. A. Biswas, Counsel

For the Respondents : Mr. B. Chatterjee, Counsel
Mr. S. Banerjee, Counsel

ORDER

Per Ms. Bidisha Banerjee, Judicial Member:

Two ladies namely Laila Begum the applicant and Anowara Begum the respondent No. 6 have rival claims in regards to family pension, as widows of the deceased Md. Irshad Ali, Ex. Assistant General Manager, West Bengal Telecom Circle.

2. Both have annexed copies of marriage register in substantiation of their claim.

3. Anowara Begum claims that she has been allowed family pension while Laila Begum has claimed that she and her minor son Sahadat Hossain are entitled to family pension in accordance with Rule 53 (1)(i) of CCS(Pension) Rules, 1972 as extracted here under:

"The Government servant has a family, the nomination shall not be in favour of any person or persons, or a body of individuals, whether incorporated or not.

The period of Family Pension has been stated in Rule 54 (6)(i) and (ii) and same is quoted below:

54(6) The period for which family pension is payable shall be as follows:-

- (i) in case of a widow, up to date of death or
- (ii) in case of a son, until he attains the age of twenty-five years.

7(a) (i) & (ii) Family Pension is payable in equal share to widows."

4. Laila Begum has produced the following documents to prove her marital status:

- (i) Certificate of Muslim Marriage certifying the factum of marriage on 09.05.1998, which however does not bear any signature of the M.M.R. & Kazi of Katwa who issued it.
- (ii) Voter Identity Card issued to her as wife of Irshad Ali on 21.02.2014.
- (iii) Aadhar Card.
- (iv) Ration Card demonstrating her as wife of Irshad Ali, issued on 15.07.2010 etc.

5. The Dy. Controller of Communication Accounts, vide his reply has averred that –

"Superannuation Pension case of Md. Irsad Ali, Ex-AGM, O/o the GMT, Cal, SSA was settled on 24.01.2014 vide PPO No. CCA/WBC/PPO- 10839/13-14 on receipt of necessary sanction from the AGM (HR/Admn), O/o. the GMY, Cal. SSA vide Memo No. OA-87/13-14/49, dated 18.07.2013. In the said PPO, family pension was authorized to Smt. Anowara Begum on the basis of Form 7, Col. No. 26(1) and Form- 3 submitted by Md. Irsad Ali in his life time, dated 10.07.2013. The respondent No. 3 ((CCA, WBC) has not yet received any representation from the applicant till date. The name of Laila Begum neither found in Form 3 submitted by Md. Irshad Ali on 10.07.2013 in his life time nor in the Form 7 submitted by the Pension Sanctioning Authority."

Being a Pension Authorizing Authority (PAA) had issued PPO considering the name of family pensioner as Smt. Anowara Begum on receipt of necessary sanction order from GMT, Calcutta SSA under WBTC, BSNL who is the Pension Sanctioning Authority (PSA). This office being only the PAA and has to work subsequent to the sanction from the PSA (BSNL authority) and as no specific relief has been sought from the respondent Nos. 1 and 3. The applicant has no cause of action for expressing her grievance which has no leg to stand upon and wasting the valuable time of the Hon'ble Tribunal without any legally valid cause.

6. Anowara Begum on the contrary has averred that her marriage with Irshad Ali was solemnized as per Islam Laws, on 17.01.1976. In support a Registered Affidavit, bearing the name of Noorbanu Begum has been annexed. She has produced the following:

- (i) Identical Voter Card issued on 11.08.2015 depicting her husband's name as Irshad Ali.
- (ii) Family declaration by the employee with wife's name as Noor Banu, date of birth 04.05.1960.
- (iii) Pension Payment Order with joint photographs of husband & wife with name of wife as Noorbanu.

7. The respondents have produced the following documents:

- (i) Details of family given on 10.07.2013 in Form – 3 under Rule 54 (12) which mentions the name of wife as Anowara Begum (Date of birth 04.05.1960) with two sons MehaboobHossain&NazmulHossain& one daughter Alta Banu.
- (ii) Another details of family, in Form 3, dated 10.07.2013, with the following Members:

i.	Anowara Begum	wife
ii.	MehaboobHossain	son
iii.	Alta Banu	daughter
iv.	NazmalHossain	son
v.	SahadalHossain	son

(iii) Nomination for GIS in prove of Anowara as wife for 100% and them to the following:

i.	MehaboobHossain	son
ii.	Alta Banu	daughter
iii.	SahadalHossain	son

(iv) Nomination for GPF in favour of Anowara as wife for 100% and then to the following:

i.	MehaboobHossain	son	40%
ii.	Alta Banu	daughter	30%
iii.	SahadalHossain	son	30%

8. Further while the Affidavit produced by Anowara in proof of her marriage bears the name of one Noorbanu Begum, the nominations are in favour of Anowara:

9. Applicant would cite the following decision of the Hon'ble Apex Court in the case of **G. L. Bhatia vs. Union of India & Another** reported in 1999(5) SCC 237 wherein it was propounded as follows:

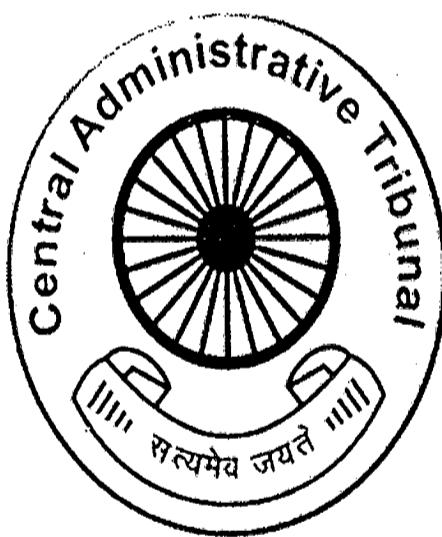
"Government servant dying behind widower while there had been no divorce between them- In such circumstances the widower, even though staying separately and even though excluded in the nomination, held, nonetheless entitled to family pension- the nomination contrary to the statute was inoperative in view of Central Civil Services (Pension) Rules, 1972, Rr. 54 (14)(b)(i) and 54 (8)(ii)."

10. In view of such factual disputes which cannot be settled in this Tribunal, respondents are directed to give personal hearing to all the legal heirs of deceased and the applicant herein to decide her representation in accordance with law with a reasoned and speaking order, to be issued by three months.

11. In case there is no dispute about the status of the applicant she may be allowed to share family pension with other widows if the rules provide.

12. O.A. accordingly stands disposed of. No costs.

(Bidisha Banerjee)
Member (J)



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