

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 350/1321/2017

Date of Order: 4.12.2017

Present: Hon'ble Ms. Jaya Das Gupta, Administrative Member

APARNA ROY
 D/o Late Onkar Nath,
 Ex-Polisher,
 S.E.Railway,
 Kharagpur,
 R/o Old Settlement,
 Dhansingh Maidan,
 P.O.-Kharagpur,
 Dist.- Paschim Medinipur,
 Pin - 721301.

...APPLICANT

VERSUS

1. Union of India, through
 General Manager,
 11 Garden Reach Road,
 Kolkata - 700043.
2. The Divisional Railway Manager,
 S.E.Railway,
 Kharagpur,
 Paschim Medinipur
3. The Sr. Divisional Finance Manager,
 S.E.Railway, Kharagpur,
 Midnapore,
 Dist.- Paschim Medinipur.
4. The Assistant Divisional Finance Manager,
 S.E.Railway,
 Kharagpur,
 Paschim Medinipur.
5. The DPO(Sett),
 S.E.Railway,
 Kharagpur,
 Paschim Medinipur.

RESPONDENTS.

For the Applicant : Ms. T. Das, Counsel

For the Respondents : Ms. Gargi Roy, Counsel

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ORDER (Oral)

Per: Ms. Jaya Dasgupta, AM:

The applicant Smt. Aparna Roy has approached CAT under Section 19 of Administrative Tribunals Act, 1985 seeking the following reliefs :

- a) An order do issue directing the respondents to cancel, quash, set aside the impugned order dated 7.5.2015 issued by Asst. Divisional Manager, S.E.Railway, Kharagpur;
- b) An order directing the respondents to continue with the making payment of family pension to the applicant as usual as before;
- c) An order do issue directing the respondents to produce the entire records of the case;
- d) And to pass such other or further order r orders of the Hon'ble Tribunal may deem fit and proper.

2. Heard both the ld. counsels.

3. It has been submitted on behalf of the applicant that Smt. Aparna Roy has been enjoying family pension from 2009 to 2015 but suddenly vide order 7th May 2015 (Annexure A-2) the family pension was stopped as Smt. Aparna Roy obtain her divorce after the death of her mother on 9.6.2005. Such impugned letter dated 07.05.2015 is set out below:

Office of the
Sr. Divl. Finance Manager,
S.E. Railway/Kharagpur

No. DAK/Pen/SE/KGP/Bk-18/P-26/DD/AB-18/Stop Pen./Spl

Dt. 07.05.2015

To
The Manager
United Bank of India
16, Old Court House Street,
KOLKATA- 1
Dear Sir,

Sub: Stop payment of Family Pension of Smt. Aparna Roy
divorced daughter of Lt. Onkar Nath Roy, A/c No. 106224,
Paying Br: UBI/Golebazar Branch/Kharagpur.

Ref: This office PPO No. Pen/SE/KGP/BK-18/P-26/DD-
18/PF/E/6511 dt.17.12.2009

Please refer to this office PPO No. Quoted above and you are requested to stop payment of Family Pension to Smt. Aparna Roy Divorced Daughter of Lt. Onkar Nath Roy vide A/c no. 106224, Paying Branch, U.B.I/Gole Bazar Branch/Kharagpur with immediate effect duly intimating to this office. Smt. Aparna Roy became divorced on

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12.01.2006 (date of court's order) i.e. after the death of her father on 01.01.1981 and death of her mother on 09.06.2005. This is as per the Railway Board's letter No. F(E)III/2007/PNI/5 dt. 30.09.2014 and Govt. of India DOP & PW's OM No. 1/13/09, P/PW(P) dt. 18.09.2014. However, no recovery will be made in order to avoid the hardship of the family pensioner. You are also requested to return the both halves of PPO Book duly mentioning the last payment.

Encl: Xerox copy of
Rly. Bd's Ltr. DOP&PW's memorandum

Yours sincerely
(sd/----)
Asst. Divl. Finance Manager
S.E.Railway/Kharagpur

Copy to: 1) The Manager, U.B.I Gole Bazar/Kharagpur, P.O Kharagpur, Dist: Paschim Medinipur, PIN-721301 is also requested to take action for immediate stop payment of Family Pension.

2) DPO (Sett) / Kharagpur

Asst. Divl. Finance Manager
S.E.Railway/Kharagpur

4. Ld. counsel for the applicant Ms. T. Das has submitted an office memorandum today, emanating from Ministry of Personnel, P.G & Pensions, Department of Pension and Pensioners' Welfare dated 19th July, 2017 relevant portion is set out below (para 5 and 6)

"No. 1/13/09-P&PW(E)
Government of India
Ministry of Personnel, P.G & Pensions
Department of Pension & Pensioners' Welfare

3rd Floor, Lok Nayak Bhawan,
Khan Market, New Delhi,
19th July, 2017

OFFICE MEMORANDUM

Sub: Eligibility of divorced daughters for grant of family pension – clarification regarding

5. This department has been receiving grievances from various quarters that the divorce proceedings are a long drawn procedure which take many years before attaining finality. There are many cases in which the divorce proceedings of a daughter of a Government employee/pensioner had been instituted in the competent court during the life time of one or both of them but none of them was alive by the time the decree of divorce was granted by the competent authority.

6. The matter has been examined in this department in consultation with Department of Expenditure and it has been decided to grant family pension to a divorced daughter in such cases where the **divorce**

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proceedings had been filed in a competent court during the life time of the employee/pensioner or his/her spouse but divorce took place after their death – provided the claimant fulfils all other conditions for grant of family pension under rule 54 of the CCS (Pension) Rules, 1972. In such cases, the family pension will commence from the date of divorce.”

5. Ld. counsel for the applicant submits that a representations has been made by the applicant on 07.04.2017.

6. Ld. counsel for the respondents submits that she will consent if the applicant makes a representation to the Senior DPO of South Eastern Railway who is the competent authority in regard to pension matter.

7. Hence with the consent of both parties, and without going into merits of the case, it is ordered that the applicant shall make such representation to the competent authority within 15 days and such representation shall be disposed of strictly in the light of Ministry of Personnel Office Memorandum dated 19th July, 2017 within 6 weeks and the applicant shall be informed of the decision within 1 week thereafter.

8. With the consent of both the parties the matter is accordingly disposed of.

No costs.

(JAYA DAS GUPTA)

ADMINISTRATIVE MEMBER

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