

RESERVED

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD**

Dated: This the 10th day of May 2019

HON'BLE MR. RAKESH SAGAR JAIN, MEMBER – J

Original Application No. 330/00038/2014

Sneh Lata W/o Late Ram Das Verma, R/o Mohalla Tairn Bahadurganj,
Tehsil Sadar District Shahjahanpur.

..... Applicant.

By Advocate : Shri Santosh Kumar Tiwari

VERSUS

1. Union of India Ministry of Defence, New Delhi through its Secretary.
2. General Manager, Ordinance Clothing Factory, Shahajhanpur.

.....Respondents.

By Advocate: Ms. Mamta Sharma

ORDER

1. The present O.A. has been filed by applicant Sneh Lata under Section 19 of Administrative Tribunal Act seeking the following reliefs:-

- “(i) To issue quashing the impugned orders dated 13.11.13 and 15.6.13 passed by respondent No.2 and 1.
- (ii) To issue a mandamus directing the respondents to provide the family pension to the applicant.
- (iii) to pass any other order or direction as deem fit in the facts and circumstances of the case”.

2. Case of applicant Sneh Lata is that her husband Ram Dass after his retirement from Ordnance Factory, Shahjahanpur expired on 08.01.2009. Despite submitting documents issued by Government agency in the shape of Kutumb Register issued on 07.06.2011 by Divisional Magistrate, identity card issued by Election Commission of India and Succession Certificate No. 33/12 (Annexure No. 5) issued in her favour by Civil Judge CD, Shahajahanpur to collect the debts and securities of Ram Dass Verma, her application for family pension was rejected by respondent No. 1 vide order dated 13.11.2013. Hence the O.A.
3. In reply, the mainstay of respondents to refuse the Family pension to the applicant is based on the two Pension Forms submitted by deceased Ram Dass where in the Nomination Column to whom the Family pension is payable it is mentioned that “**ifjokj es dkbz I nL; ughag\$**”.
4. I have heard and considered the arguments of the learned counsels for the parties and gone through the material on record. Both the learned Counsels for the parties during the arguments reiterated the pleas raised by them in the pleadings based upon the documents placed on record by them.
5. It is the argument of learned counsel for applicant that looking to the documents and the Succession certificate showing her to be the wife of deceased Ram Dass, the impugned order rejecting

her claim to family pension is illegal and requires to be set aside and respondents be directed to grant her family pension.

6. On the other hand, learned counsel for respondents relied upon the Pension Forms submitted by deceased Ram Dass wherein it has been mentioned that he has no family member and argued that the said documents signed by Ram Dass clearly reveal that he had no family member and makes the documents relied upon by the applicant either fake or procured by practising fraud upon the concerned Authorities and, in any case, the applicant could have included her claim for family pension in the application for Succession Certificate. Argues learned counsel for respondents that the O.A. being meritless deserves dismissal.
7. The record shows that Ram Dass Verma retired on 30.06.1998 and expired on 08.01.2009. Respondents arguments is that as per the instructions contained in para 75(15) of Railway Services (Pension) Rules, 1993, Shri Ram Dass was required to submit the details of his family members entitled to Family pension in the settlement papers but he did not do so in his life time. However, deceased Ram Dass has given in the information in both the Forms submitted on two occasion that there is no member in his family.
8. Rule 75 in the Railway Services (Pension) Rules, 1993. Sub-Rule 19(b) of the said Rule defines "family" for the purpose of Family Pension as under:- (b) "family", in relation to railway servant, means -

(i) wife in the case of a male railway servant or husband in the case of a female railway servant;

(ii) a judicially separated wife or husband, such separation not being granted on the ground of adultery and the person surviving was not held guilty of committing adultery;

(iii) son who has not attained the age of twenty-five years and unmarried or widowed or divorced daughter, including such son and daughter adopted legally.”

Sub-Rule (6) of the said Rules state the order in which the family members may draw the family pension which is as under:- “(6) The period for which family pension is payable shall be as follows:-

(i) in the case of a widow or widower, up to the date of death or re-marriage, whichever is earlier;

(ii) in the case of an son, until he attains the age of twenty-five years; and

(iii) in the case of an unmarried or widowed or divorced daughter, until she gets married whichever is earlier”.

Sub-Rule 15 of the said Rules state that the Railway Servant is required to submit the details of the family in Form 6 and to update it from time to time. The said rule also speaks about the safe custody of the said Forms. It reads as under:- “(15) (i) As soon as a railway servant enters railway service, he shall furnish details of his family in Form 6 to the Head of Office and if the railway servant has no family, he shall furnish the details in Form 6 as soon as he acquires a family.

(ii) It shall be the duty of the railway servant to communicate forthwith to the Head of Office any

subsequent change in the size of his family including the fact of marriage of his or her child.

(iii) (a) In the case of a non-gazetted railway servant the Head of Office shall keep the form 6 in safe custody and make necessary additions and alterations in the form on the basis of subsequent information furnished by the railway servant and all the communications which a railway servant may address to the Head of Office in this behalf, shall be acknowledged by the Head of Office. (b) In the case of a gazetted railway servant, the Head of Office shall pass on the details of family members as also any additions and, alterations thereto, to the Accounts Officer for keeping the same in safe custody. It shall be the duty of the Accounts Officer to keep these particulars upto date and to acknowledge the receipt of these communications".

9. According to the said Rule, the right of receiving family pension by the widow or widower of the Railway Servant cannot be disputed. If the Railway Servant, during his life time has furnished the prescribed Form 6 and Head of Office/Accounts Officer has kept in safe custody, there will be no dispute with regard to entitlement of the family pension.
10. In the instant case, the entitlement of applicant to receive the family pension comes into question for the reason that the deceased Ram Dass Verma on two occasions has categorically written in the Forms pertaining to pension that he has no member in his family. In these circumstances, the information given by deceased Ram Dass Verma would take precedence over the production of any documents to the contrary evidencing the applicant to be his wife. More so, when there is no history of deceased having inimical reasons with applicant. In these

circumstances, it is apparent that applicant would have to establish her status of being the wife of deceased Ram Dass Verma in a civil Court.

11. In view of the facts and circumstances of the case, I am of the opinion that the applicant has failed to make out a case in her favour for grant of family pension. Accordingly the O.A is dismissed. No order as to costs.

(RAKESH SAGAR JAIN)
MEMBER-J

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