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**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00446/2017

Tuesday, this the 16th day of April, 2019

CORAM:

HON'BLE Mr.E.K.BHARAT BHUSHAN, ...ADMINISTRATIVE MEMBER

Smt. Sudha Ramanarajan,
W/o late M.R.Rajan,
residing at Manakkat Kalarickel House,
Kattorr PO.,
Thrissur,
Kerala – 680 702.Applicant

(By Advocate Mr.V.N.Haridas)

V e r s u s

1. The Central Public Works Department,
Office of the Superintending Engineer,
represented by its Superintending Engineer,
Silchar Central Circle,
Chirukandi Road,
Silchar – 788 003.
2. The Pay and Accounts Officer,
Central Public Works Department,
Shillong,
Meghalaya -793 001.
3. The Central Public works Department,
Ministry of Urban Development,
A Wing, 101,
Nirman Bhavan,
New Delhi 110 108,
represented by its
Director General.

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4. The Central Pension Accounting Office,
Ministry of Finance Department of Expenditure,
Trikoot-II Bhikaji Cama Place,
New Delhi 110 066.
5. Union of India,
Ministry of Urban Development,
A Wing 101,
Nirman Bhavan,
New Delhi 110 108,
represented by its Principal Secretary.Respondents

(By Mr. E.N.Hari Menon, ACGSC for Respondent-4.)

This application having been heard on 3rd April, 2019, the Tribunal on 16th April, 2019 delivered the following :

ORDER

OA No.446/2017 is filed by Smt. Sudha Ramanarajan. She claims in the OA that she is the wife of late Shri M.R.Rajan, Ex-Office Superintendent under the respondent department. She states that she had married Shri M.R.Rajan on 10.11.1982. A copy of the Marriage Agreement in which it is shown that the applicant had married one Shri Ramana Rajan is at Annexue A1. It is submitted that Shri M.R.Rajan retired from service on 31.05.1995 while working in the office of the first Respondent. A copy of the Pension Payment Order of Shri M.R.Rajan is produced as Annexure A2. Shri Rajan had received pension for almost 20 years until he passed away on 14.08.2016 (sic). A copy of the Death Certificate to the effect that one Shri M.Ramanarajan passed away on 19.08.2016 is submitted at Annexure A3. It is further submitted that the applicant along with her son are the legal heirs of the deceased, Shri

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M.R.Rajan. Copy of the Ration Card is produced at Annexure A4 which purportedly shows three names, namely Sudha, Remanarajan and Sudharsan.

Legal Heirship Certificate of the late Shri M.Ramanarajan is at Annexure A5.

2. It is submitted that the applicant has been repeatedly taking up her demand for family pension with the authorities, but these were of no avail.

She seeks the following reliefs in the OA:

- a) Declare that the applicant is the legally entitled family pensioner of the deceased pensioner Mr.M.R.Rajan.
- b) direct the respondents to disburse family pension of deceased pensioner Mr.M.R.Rajan to the applicant;
- c) direct the respondents to disburse the family pension of deceased pensioner Mr.M.Rajan to the applicant from the date of his death, 14.08.2016 with 12% per annum.
- d) declare that the Annexure A10 is arbitrary, irregular, malafide, illegal and therefore void;
- e) grant such other relief's that this Hon'ble Tribunal may deem fit and proper under the facts and circumstances of the case.

3. A reply statement has been filed on behalf of the respondents-1to5, where it is emphatically stated that all documents produced are to the effect that the applicant is the legal wife of one Shri M.Ramanarajan and that this name does not appear anywhere in the official documents of the respondents. Further extract of the Service Book of Shri M.R.Rajan shows two names viz., Karthika and Nakeeran as children of Shri M.R.Rajan. In the documents, which have been produced by the applicant herself, such as

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Marriage Agreement at Annexue A1, shows that it is between one Shri Ramanarajan and Sudha (herself). The PPO at Annexure A2 purportedly is of Shri M.R.Rajan, Office Superintendent has no nominee mentioned. The Death Certificate produced at Annexure A3 is also of one Shri M.Ramanarajan. Annexure A4, copy of the Ration Card mentions M.Ramanarajan's name along with Sudha, son Sudharsan. The copy of the Legal Heirship Certificate at Annexure A5 mentions Sudha Ramana Rajan and Sudharshan. In short, nowhere in any of the documents which have been presented by the applicant, the name of Shri M.R.Rajan figures. In fact another discrepancy pointed out in the reply statement is that Sudharsan who is allegedly claimed to be the son of the deceased employee, is not mentioned anywhere in the list of children that Shri M.R.Rajan had submitted (Annexure R2), where two other children are mentioned.

4. Heard Shri K.T.Boso on behalf of the applicant and Shri E.N.Hari Menon, learned ACGSC on behalf of the respondents. On the basis of the records on offer there is no evidence available before us to show that the applicant is the wife of the deceased Shri M.R.Rajan. Every document that she has produced is relating to one Shri M.Ramanarajan and every official document in contrast, refers to Shri M.R.Rajan. Thus both the names are separate and distinct and there is no evidence with us to conclude that they are one and the same. Thus the OA would fail as lacking in merit. However, in order to avoid any miscarriage of justice, we direct the Respondent-1 to conduct an

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inquiry to ensure that Shri M.R.Rajan did not possess two names which is within the realm of possibility. OA is dismissed of with the above directions.

No costs.

**(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER**

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List of Annexures in O.A. No.180/00446/2017

1. **Annexure A1** – A true copy of the marriage certificate issued by the Registrar dated 10.11.1982.
2. **Annexure A2** – A true copy of the Pension Payment Order No.438109500121 dated 10.05.1995.
3. **Annexure A3** – A true copy of the death certificate dated 01.09.2016 issued by the Registrar of Birth and Death, Kattor.
4. **Annexure A4** – A true copy of the ration card and English translation issued by the Taluk Supply Office, Mukundapuram, Thrissur District.
5. **Annexure A5** – A true copy of the legal heirship certificate dtd 11.01.2017 issued by the Tahsildar, Mukundapuram Taluk.
6. **Annexure A6** – A true copy of the application dtd. nil from the applicant to the 1st respondent along with all the requisite documents.
7. **Annexure A7** - A true copy of the e-mail correspondences between the applicant and the 4th respondent.
8. **Annexure A8** - A true copy of the application dated 24.11.2016 submitted by the applicant to the 2nd respondent.
9. **Annexure A9** - A true copy of the letter dated 03.02.2017 issued by the 1st respondent to the applicant.
10. **Annexure R1** - Copy of starting pages of Service Book of M.R.Rajan.
11. **Annexure R2** - Copy of Nomination papers submitted by M.R.Rajan.
12. **Annexure R3** - Copy of letter dated 3.2.2017 issued by 1st respondent to applicant.
13. **Annexure R4** - Copy of letter dated 13.2.2017 issued by 1st respondent to applicant.
