

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

Original Application No.20/764/2017

**Reserved on: 12.12.2018
Order pronounced on: 14.12.2018**

Between:

Bandanadham Mary Thomasamma,
W/o. late S.K. Rajavelu, Aged about 65 years,
R/o. D. No. 14/38, Kothapeta, Phirangipuram (Post & Mandal),
Guntur District, Andhra Pradesh – 522 529.

...Applicant

And

1. Union of India, rep. by Secretary,
Ministry of Textiles, Udyog Bhavan,
New Delhi – 110 011.
2. The Director (South Zone),
Weavers Service Centre, CIB, Rajaji Bhawan,
Basant Nagar, Chennai – 600 090.
3. The Pay and Accounts Officer,
Regional Pay & Accounts Office,
Ministry of Textiles, 5th Floor,
Shastri Bhawan, Chennai – 600 006.
4. The Officer-in-Charge,
Weavers Service Centre, 3rd Floor,
Cheneta Bhawan, Nampally, Hyderabad – 1.
5. The Central Pension Accounts Officer,
Ministry of Finance, Department of Expenditure,
Trikoort – II, Bhikaji Cama Place, New Delhi – 66.

...Respondents

Counsel for the Applicant	...	Dr. A. Raghu Kumar
Counsel for the Respondents	...	Mrs.K. Rajitha, Sr. CGSC

CORAM:

<i>Hon'ble Mr. B.V. Sudhakar</i>	...	<i>Member (Admn.)</i>
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ORDER

{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.)}

2. The OA has been filed for not granting family pension to the applicant on the death of her husband.

3. Brief facts of the case, as stated in the OA, are that the late husband of the applicant Sri S.K. Rajavelu while working as Deputy Director, Weavers Service Centre, Hyderabad retired on superannuation on 01.03.2001. The applicant's marriage with Sri S.K. Rajavelu was performed on 20.09.1984 at Gunadala, Vijayawada. From the date of her marriage the applicant lived with her husband and they were blessed with one son, now aged 30 years. The applicant's husband died on 04.01.2015 as a pensioner leaving behind his wife i.e. the applicant and son. The applicant made a representation on 03.03.2017 to the respondents requesting to grant family pension. The respondents rejected the request of the applicant on the ground that the applicant's husband while submitting his pension papers has stated that he is submitting self passport photograph only instead of joint photograph by stating that his wife is not living with him for the last 12 years and further pension papers indicate the name of his wife as Smt. M. Jayakumari. Aggrieved over the same, the applicant has filed the OA.

4. The contention of the applicant is that she is the only legally wedded wife of the deceased pensioner. The applicant has not seen any person by name Smt. M. Jayakumari. Further, there is no counter claim for the family pension sought. The applicant has also submitted certificate of marriage issued by the Assistant Parish Priest, Infant Jesus Cathedral, Phirangipuram, Guntur dated 08.09.1996 to assert that she is legally wedded wife of the deceased employee. Mandal Revenue officer, Phirangipuram, Guntur District has also issued a Family Member Certificate dt. 14.11.2016 indicating that the applicant and her son are the family members of the deceased pensioner. The applicant also submitted an extract of the relevant page of Savings Bank Joint

Account pass book of Andhra Bank substantiating the fact that the joint account was opened along with her husband. Further, she also submitted Aadhar card, identity card issued by the Election Commission of India, ration card, etc. The contention of the applicant is that the documents enclosed by her substantially prove that she is the legally wedded wife of the deceased pensioner.

5. The respondents refute the contention of the applicant on two grounds viz., i) the applicant has produced a marriage certificate dated 08.09.1996 whereas in the OA the applicant has stated that she was married to the deceased employee on 29.09.1984. ii) that the joint account was opened in 2004 whereas the applicants husband retired in 2001 and it is not understood as to why it took three years to open a joint account in the bank. Further the respondents also pointed that the applicant has stated in the OA that her marriage took place at Vijayawada whereas the marriage certificate shows that she has been married at Guntur. Moreover, the deceased employee has submitted his family particulars to the respondents on 03.03.1989 wherein it was shown that Smt. M. Jayakumari was his wife, R. Kavitha Rani as daughter and R. Raja Kandaswamy as his son. The deceased employee has categorically stated that he has submitted self passport photograph instead of joint photograph since his wife is not living with him for the last 12 years. He has also stated that he will forego claim for any family pension after his death. The deceased employee, as per the version of the respondents, has stated that his legally wedded wife is Smt. M. Jayakumari and the deceased employee also confirmed that the said Smt. M. Jayakumari will not claim for any family pension. The respondents claim that as informed by the deceased employee, Smt. M. Jayakumari has not approached for any family pension. In view of

the discrepancies in the marriage certificate, place of marriage and also the submissions made by the deceased employee to the respondent organization, the respondents have declined to grant family pension.

6. Heard learned counsel for both sides and perused the documents on record.

7. The applicant has submitted a certificate issued by the Mandal Revenue Officer indicating the family members of the deceased employee. When a Government officer of the rank of Mandal Revenue Officer issues a certificate it has credence. As argued by the learned counsel for the respondents, there are discrepancies in regard to the date of marriage, place of marriage of the applicant. It is also possible that the deceased employee because of matrimonial disharmony could have given only his photo for pension. As per the records placed, there is no certificate wherein it is indicated that the deceased employee has divorced the applicant. Since the deceased employee did not divorce the applicant the claim of the applicant for family pension has to be examined. Usually when there is a claim for pension, the respondents are expected to inquire into the matter and thereafter decide the issue. In the present case, no such inquiry was done. It is also seen that there is no counter claim from Smt. M. Jayakumari for family pension. The applicant has also produced many documents supporting her claim that she is legally wedded wife of the deceased employee. In the circumstances stated, it would be in the fitness of things for the respondents to get the matter investigated and take a decision as to grant or otherwise, family pension to the applicant. Without doing so, rejecting the claim of the applicant would be unfair. Therefore, the respondents are directed as under:

- i) to verify the claim of the applicant for family pension based on the documents submitted by her and thereafter take a decision to grant family pension accordingly as per rules and regulations and the law on the subject.
- ii) Time allowed to implement the order is three months from the date of receipt of copy of this order.

8. OA is allowed as above, with no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

Dated, the 14th day of December, 2018

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