

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

**Original Application No. 21/758/2017**

**Reserved on: 19.02.2019  
Pronounced on: 21.02.2019**

Between:

1. R. Navaneetha, D/o. late M.D. Rajaratnam,  
Age: 48 years, H. No. 137, Trimulgherry,  
Lal Bazar, Secunderabad – 500 015.
2. M.D. R. Chamundeswari, D/o. late M.D. Rajaratnam,  
Age: 28 years, H. No. 137, Trimulgherry,  
Lal Bazar, Secunderabad – 500 015.

... Applicants

And

1. The Chief General Manager – Teclom,  
AP Circle, Hyderabad -500 001.
2. The Principal General Manager,  
BSNL, Telecom District, CTO Building, SD Road,  
Secunderabad – 500 003.
3. The Principal Controller of Communication Accounts,  
AP Circle, Kavadiguda Telephone Exchange Compound,  
Bholakpur, Hyderabad – 500 080.

... Respondents

Counsel for the Applicants ... Mr. M. Venkanna

Counsel for the Respondents ... Mr. B. Laxman, Advocate for  
Mrs. K. Rajitha, Sr. CGSC  
Mr. M.C. Jacob, SC for BSNL

***CORAM:***

***Hon'ble Mr. B.V. Sudhakar*** ... ***Member (Admn.)***

***ORDER***

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

2. The OA is filed challenging the impugned order dt 22.8.2017 issued by the 3<sup>rd</sup> respondent in regard to family pension.
3. Brief facts are that the applicants' father died after voluntary retirement on 4.6.1993 leaving behind 4 daughters, wife and old age mother. Family pension was granted to the Mother of the applicants who also expired on 30.11.1995. As

per rule 54 of Family Pension rules family pension has to be granted to the eligible member as per the order of birth. Respondents granted family pension to the 2<sup>nd</sup> applicant who was a minor and unmarried through her legal guardian Sri M.D.R Parameswaran who is the brother of the applicants. PPO was issued on 29.1.2004. However, it was stopped on 11.11.2006 after the 2<sup>nd</sup> applicant became major, without giving any reasons. Several representations by both the applicants were made and thereafter on approaching Human Rights Commission request was considered and rejected on 22.8.2017 by the respondents. Left with no recourse the applicants have filed the OA.

4. The contentions of the applicants are that pension is not a bounty granted to the employee. Family pension was refused without issue of a speaking order. If the respondents were under the impression that the 1<sup>st</sup> applicant was eligible for pension they can very well grant to her instead of abruptly stopping payment of family pension to both of them.

5. Respondents have taken objection that the MD and Chairman of BSNL was not impleaded as party and hence relief against BSNL is liable to be rejected in limine. That apart the father of the applicants on taking voluntary retirement took pension till his death on 4.6.1993. Thereafter, his wife was given family pension till her death in 1995. Later deceased employees' son Sri M.D.R Parameswar was paid family pension up to 19.3.1999 till he attained the age of 25 years. The 2<sup>nd</sup> applicant requested for grant of family pension showing her date of birth as 12.12.1988 with her brother Sri M.D.R. Parameswar as guardian. The school certificate submitted has shown the 2<sup>nd</sup> applicant name as Madhuri Chamundeswari and name of father as Madhuri Rajaratnam. However, the 2<sup>nd</sup> applicant while filing a petition before the competent court for guardianship certificate has shown her name as M.D.R. Chamundeswari d/o M.D.

Rajarathanam Pillai. The department without verifying the original records pertaining to the family details of the retired employee, wherein M.D.R Chamundeswari is appearing as one of the daughter with date of birth as 27.1.1961, granted family pension to the 2<sup>nd</sup> applicant through her brother Sri M.D.R Parameswar, who was declared the legal guardian by the competent court. An individual by name N.Jagdish initiated an RTI enquiry and in the process respondents found that the name, date of birth of the 2<sup>nd</sup> applicant submitted by the deceased employee while in service, by the 2<sup>nd</sup> applicant herself while seeking family pension and petitioning the competent court for guardianship certificate and in the certificate issued by the Mandal Revenue officer, there were many discrepancies noticed. Hence, family pension was stopped. Albeit 1<sup>st</sup> applicant has given her no objection for grant of family pension to the 2<sup>nd</sup> applicant but if she were to apply for the same now it would be verified and eligible family pension would be granted.

6. Heard both the counsel. Perused the documents submitted. After carefully hearing the arguments of either side the tribunal is of the following view.

7. Family pension is granted as per Rule 54 of Family Pension Rules to the eligible family member as per the order of birth. Respondents first gave Family Pension to the son Sri M.D.R Parmeshwar and on his crossing the age of 25 to the 2<sup>nd</sup> applicant on 29.1.2004 through her legal guardian Sri M.D.R Parmeshwar who incidentally is her brother. Due to an RTI inquiry, certain discrepancies were noticed on verification, in regard to the name, date of birth etc of the 2<sup>nd</sup> applicant and hence payment of family pension was stopped from 11.11.2006. The 2<sup>nd</sup> applicant ought to have ensured that her name and date of birth were correct as per different official records referred to by the respondents. By not doing she has forfeited the right to claim for family pension. We agree

with the respondents to this extent. However, as consented by the respondents the 1<sup>st</sup> applicant if she were to apply for family pension, the same need to be examined and considered. By stopping family pension entire family is suffering. The very nomenclature of family pension has the word 'family' engrained in it. Denial of family pension to one of the members due to certain discrepancies detected, would deprive the family of the required economic support which indeed is the main objective of family pension. It is also seen that, but for the discrepancy in regard to name and date of birth, the 2<sup>nd</sup> applicant is very much a family member. This has not been denied anywhere by the respondents. The family pension given went to the family and not to any others. The respondents have been fair to state that it can be given to the 1<sup>st</sup> applicant on due verification, if she were to make an application to this effect. As per family pension rules too the first applicant is eligible to apply for family pension. The respondents having nobly agreed to consider grant of family pension to the 1<sup>st</sup> applicant, other objections raised by them in regard to impleading of proper parties and amendment of relief will loose relevance. Therefore, to meet the ends of justice, it would be proper and fair to direct the 1<sup>st</sup> applicant and the respondents to consider as under:

- i) 1<sup>st</sup> applicant to make an application with proper documents for grant of family pension within 15 days of receipt of this order to the respondents.
- ii) The respondents to grant family pension to the 1<sup>st</sup> applicant after due verification and if she is found eligible as per extant rules in vogue.

- i) To meet the ends of justice, the date of payment of family pension to the 1<sup>st</sup> applicant on being found eligible, shall commence from the date

of stopping payment of family pension to 2<sup>nd</sup> applicant due to certain discrepancies noticed.

- ii) Time allowed to implement the judgment is 3 months from the date of receipt of this order.
- iii) With the above directions the OA is allowed.
- iv) There shall be no order as to costs.

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

Dated, the 21<sup>st</sup> day of February, 2019

*evr*