

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00996/2018

Dated Friday the 27th day of July Two Thousand Eighteen

PRESENT

**HON'BLE MR. R. RAMANUJAM, Member (A)
&
HON'BLE MR. P. MADHAVAN, Member (J)**

V.G.Ravi,
No. 25, Kakkan Cross Street,
Kamarajapuram,
Madurai 625009.Applicant

By Advocate M/s. R. Malaichamy

Vs

1. Union of India rep by,
The Secretary,
Ministry of Communications & IT,
Department of Posts,
Dak Bhavan,
Sansad Marg, New Delhi 110001.
2. The Chief Postmaster General,
Tamil Nadu Circle,
Anna Salai, Chennai 600002.
3. The Postmaster General,
Southern Region, (TN),
Madurai 625002.
4. Senior Superintendent of Post Offices,
Madurai Division,
Madurai 625002.Respondents

ORAL ORDER**(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))**

Heard. The applicant has filed this OA under section 19 of the Administrative Tribunals Act, 1985 seeking following reliefs :

"i. To direct the respondents to extend the benefit of OM dt. 28.04.2011 issued by the DoPT and grant family pension to the applicant at par with unmarried daughter of the deceased Govt. Servants vide and

ii. To pass such further orders as this Hon'ble Tribunal may deem fit and proper."

2. It is submitted that the applicant is aggrieved by Annexure A4 communication of the respondents dt. 16.01.2018 by which his claim for family pension was denied on the basis that he was an adopted son of the deceased employee over the age of 25 years and under the rules, he was not entitled to family pension. Learned counsel for applicant would allege gender bias in the formulation of the policy and application of rules regarding family pension and submits that if an unmarried/widowed/divorced daughter could be granted family pension, there was no reason to deny the same to an unmarried son as this would amount to a gender bias not permitted under the Constitution of India which guarantees equality and equal opportunities under Articles 14 and 16 thereof.

3. We have considered the matter. It is not in dispute that the applicant is over 50 years of age and is single. It is not pleaded before us that the applicant is disabled or was otherwise dependent on the

deceased employee. The rules as quoted by the respondents are clear that an unmarried son is eligible for grant of family pension until the age of 25 years or until he gets married or he starts earning livelihood, whichever is earlier. Merely because some special provisions have been made for unmarried/widowed/divorced daughters it could not be said to be violative of the Constitution of India as it is a case of a positive gender discrimination keeping in view the position of women in the society at large. The applicant has not sought quashment of the relevant rule but only a direction to the respondents to extend the benefit of OM dt. 24.04.2011 to unmarried sons also, which is a matter of policy and, therefore, beyond the area of the Courts.

4. OA is dismissed.

(P. Madhavan)
Member(J)

(R.Ramanujam)
Member(A)

27.07.2018

SKSI