

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.1526/2016

Dated Tuesday, the 29th day of January, 2019

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

D.V. Santhi

No. 74, Chinnannan Chetty Street

Velandipalayam

Coimbatore – 641 025.

... Applicant

By Advocate M/s K.S. Govinda Prasad

Vs.

Union of India

Rep. by Senior Divisional Personal Officer/PGT

Divisional Office, Personnel Branch

Southern Railway, Palghat – 678 009

Kerala.

... Respondent

By Advocate Ms. R. Sathyabama

(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 the following reliefs:

i. To call for the records/files relating to the impugned order bearing No. J/P.626/FP/WD/DV dated 10.12.2015(A-3) of the respondent herein namely Senior Divisional Personal Officer/PGT, Divisional Office, Personnel Branch, Southern Railway, Palghat – 678009, Kerala, quash and set aside the same as non-est in the eye of law and thus render justice.

ii. To consequently direct the respondent herein namely Senior Divisional Personal Officer/PGT, Divisional Office, Personnel Branch, Southern Railway, Palghat – 678 009, Kerala, to pay to the applicant family pension on and from 16.04.2014 with arrears within a short date that may be fixed by this Tribunal and continue to pay the same every month

iii. To award exemplary costs to the applicant to be payable by the respondent herein and thus render justice.

iv. To grant such other relief(s) which may be prayed for and/or which this Tribunal may deem fit, proper and just to be granted in the facts and circumstances of the case and thus render justice.”

2. It is submitted that the applicant's father died on 15.04.2014 at the age of 83. The applicant's mother predeceased him and, therefore, the applicant claimed family pension as a divorced daughter of the deceased pensioner. She produced Annexure A-7 divorce order in this regard passed by the Family Court, Coimbatore in HMOP No.1318/2013 dated 20.06.2014. As the applicant had filed for divorce on 16.12.2013 prior to the date of death of her father, she was entitled to family pension in terms of Department of Pension & Pensioners' Welfare OM dated

19.07.2017. As no family pension has been granted, she is before this Tribunal.

3. Learned counsel for the respondents seeks to file a reply to the OA today which is taken on record. She would, further, submit that the entitlement of the applicant for family pension was not in dispute. However, there were some discrepancies in the documents furnished by the applicant regarding which clarification had been sought by Annexure R-5 letter dated 06.08.2018. Once the identity of the applicant is established to the satisfaction of the respondents, she would be granted family pension, it is submitted.

4. Learned counsel for the applicant would, however, submit that the applicant being a divorced daughter should not be made to run from pillar to post. She had been directed to produce additional certificates from revenue authorities not below the rank of Tahsildhar to correct the spelling of the name of the applicant's father and also to add the initials and correct the spelling of the applicant as D.V.Sanathi instead of Shanathi as recorded in the order of divorce dated 20.06.2014. It is submitted that the applicant was willing to file an affidavit certified by a notary regarding her identity which the respondents may be directed to accept subject to any enquiry they may wish to conduct.

5. I have considered the pleadings. It is not disputed that a divorced daughter who had initiated proceedings for divorce before the death of the pensioner is entitled to family pension. The respondents have also

agreed to grant the same subject to proof of identity of the applicant. As the applicant has expressed certain difficulties in approaching the revenue authorities, I am of the view that she could be permitted to file an affidavit regarding her identity as "Shanthi" daughter of "Villaiyappan" as spelt in the Family court order dated 20.06.2014 though her name figured as "D.V.Sanathi" and her father's name as "Villiyappan" elsewhere. On receipt of such affidavit duly attested by the notary and the other documents which the applicant does not seem to have any difficulty producing before the respondents, the respondents may conduct an appropriate enquiry through their own sources, if necessary, within a period of two months from the date of receipt of the documents and then pass a final order within one month thereafter.

6. The OA is disposed of with the above directions. No costs

(R.RAMANUJAM)
MEMBER (A)
29.01.2019

M.T.