

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00214/2018

Dated Monday the 1st day of October Two Thousand Eighteen

PRESENT

HON'BLE MR. R. RAMANUJAM, Member (A)

Fatima Rose,
Unmarried/d of
Late S.Lazar,
No. 204, St. Xavier Street,
Nagal Nagar, Dindigul 624003.

....Applicant

By Advocate M/s. Ratio Legis

Vs

1.Union of India rep by,
The General Manager,
Southern Railway,
Park Town, Chennai 600003.

2.The Divisional Personnel Officer,
Madurai Division, Southern Railway,
Madurai 625016.

....Respondents

By Advocate Mr. A. Abdul Ajees

ORAL ORDER

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

Heard. The applicant has filed this OA seeking the following relief :

" To call for the records related to the pension & family pension orders with reference to late S.Lazar's employment & letter dated 11.07.2016 made by the 2nd respondent and to direct the respondents to extend the benefit of family pension in terms of Rule 75 of the Pension Rules to the applicant and to pass such other order/orders as this Hon'ble Tribunal may deem fit and proper and thus to render justice."

2. It is submitted that the applicant is an unmarried daughter of one S. Lazar, a pensioner of the respondents who died on 25.12.1997. The applicant's mother received family pension till 28.07.2015 on which date she expired. The applicant is the youngest of the four daughters of the deceased pensioner. Her elder sisters were all married and two of them were widowed even when their mother was alive. It is alleged that the two widowed daughters had furnished no objection to the applicant being granted family pension as they were otherwise receiving family pension from the Government of Tamil Nadu following the death of their husbands. Learned counsel for the applicant would urge that the respondents may accordingly be directed to inquire into the financial status of the surviving members of the family and grant family pension to the applicant who is the most needy among them, in terms of the No Objection Certificate given by her elder sisters.

3. Learned counsel for the respondents would submit that in the event of the family of a deceased employee/pensioner being survived by more than one person in the category of widowed /divorced/unmarried daughters, family pension would be granted to them in terms of their date of birth and the eldest of them would have the right to receive the family pension. As regards the no objection granted by the applicant's elder sisters, there was no clarity with regard to the eligibility of the younger daughter in terms of the relevant rules/Railway Board circulars. Accordingly, respondents would consider the matter in terms of any directions the Tribunal may wish to issue in the facts and circumstances of the case.

4. I have considered the facts of the case and the pleadings. Since it is admitted that the applicant along with her two elder sisters belonged to the category of widowed/divorced/unmarried daughters whose claim had to be examined in terms of their date of birth and there is no provision for rejecting the claim of all of them unless there are specific provisions to the contrary in the rules, I am of the view that this OA could be disposed of in terms of the following directions:

“The respondents shall examine the rules and relevant Railway Board instructions to see if a dependent and needy unmarried daughter could be granted family pension even if she is the youngest, in case the elder dependent daughters in the category of widowed/divorced/unmarried daughter expressed no objection to being passed over. If such grant of family pension is permissible,

the applicant's claim shall be duly considered in the light of the alleged no objection granted by the applicant's elder and widowed sisters and an appropriate order passed within a period of two months from the date of receipt of a copy of this order.”

5. OA is disposed of in the above terms. No costs.

(R. Ramanujam)
Member(A)
01.10.2018

SKSI