

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Thursday 31st day of January Two Thousand And Ninteen

PRESENT:

THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

O.A. 310/1659/2017

Mrs. R. Manjula,
D/o. K. Ramasamy (late),
Old No.23/1A, New No. 55,
Kavarai Street,
Saidapet (West),
Chennai- 600 015.

....Applicant

(By Advocate: M/s. J. Muthukumaran)

Versus

1. Union of India, Rep. by its
General Manager,
South Central Railway,
Secunderabad- 500 071;
2. The Divisional Railway Manager,
Personnel Branch,
South Central Railway,
Secunderabad Division,
Secunderabad- 500 071;
3. The Additionla D.R.M. (Operation),
Public Grievances Cell,
O/o. the DRM, S.C. Roadway,
Secunderabad Division,
Andhra Pradesh;
4. The Senior Divisional Finance Manager,
South Central Railway,
Secunderabad Division,
Andhrapradesh;
5. The Senior Divisional Personnel Officer
O/o The Divisional Railway Manager,
Personnel Branch,
S.C. Railway, Secunderabad,
Andhra Pradesh.

...Respondents

(By Advocate: Mr.P. Srinivasan)

ORAL ORDER

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

The applicant has filed this OA seeking the following relief:-

“to call for the records of the first respondent relating to the order vide his proceeding No.SCR/P-HQ/EE/565/O.A.NO.310/17RM dated 11.09.2017 to quash the same and to issue consequential directions to the respondents to sanction and disburse Secondary Family Pension to the applicant consequent on the death of Shri K.Ramasamy, Ex. Sub Overseer, Secunderabad Division, S.C. Rly, being the divorced daughter of the deceased and disburse the arrears with interest.”

2. It is submitted that the applicant's father retired from the service of the respondents on 28.07.1959 and expired on 1.12.1962. Applicant's mother had been granted family pension from 22.09.1977 up to 01.09.1992 when she also died. The applicant had married one S.K. Jayakumar on 19.5.1989 but was deserted by him in July 1989 within 55 days of their marriage. The applicant filed a petition before family Court Chennai on 4.2.2015 for dissolution of the marriage which was granted by an order of the Court dated 04.02.2015. As the applicant was separated from her husband for more than 25 years as on the date of the decree and had become dependent on her mother who was a family pensioner, she is now entitled to family pension, it is contended.

3. Learned counsel for the respondent would, however, contest the plea stating that the applicant was never a dependant on her mother. Further, no representation had ever been made by the applicant to the respondents seeking family pension after the death of her mother in 1992. It appears that the applicant came to know of the policy of the respondents to grant family pension to divorced daughters and she filed a petition before the family court solely with a view to qualify for family pension. As per Annexure-R/4, family pension could be granted eligible widowed/ divorced daughters with effect from 30.08.2004 in case the death of the Government servant/pensioner occurred before this date. Further, the office memorandum dated 19.07.2017 of the Department of Pension and Pensioners' Welfare allowed family pension to be granted to a divorced daughter in cases where the divorce proceedings had been filed in a competent court during the lifetime of the employee/pensioner or his/her spouse but divorce took place after their death provided the claimant fulfilled all other conditions for grant of family pension under Rule 54 of the CCS (Pension) Rules, 1972. Even in such cases, the family pension would only commence from the date of divorce.

4. Learned counsel for the respondent would further submit that although the applicant claimed cruelty and desertion by her husband within 55 days of her marriage, no divorce proceedings had been initiated till 2014. No cogent explanation has been offered for such inordinate delay lending credence to the suspicion that the move was solely aimed at qualifying for family pension somehow. As the applicant had not filed divorce proceedings before the

death of her mother who was a family pensioner, the question of sanction of family pension to the applicant would not arise, it is contended.

5. I have considered the pleadings and the submissions made by the rival counsel. It is not in dispute that the applicant's mother who was a family pensioner died on 01.09.1992 and no divorce proceedings had been initiated by the applicant till 2014. Under such circumstances, it is not possible to fault the respondents for their decision not to grant her family pension as she was not covered by office memorandum dated 19.07.2017 of the Department of Pension and Pensioner's Welfare.

6. OA is devoid of merits and is dismissed accordingly. No costs.

(R. RAMANUJAM)
MEMBER (A)

31.1.2019

Asvs.