

**CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH
CIRCUIT BENCH, RANCHI
OA/051/00474/18**

Date of order: 27.11.2018

C O R A M

**HON'BLE MR. JAYESH V. BHAIRAVIA, JUDICIAL MEMBER
HON'BLE MR. B.V.SUDHAKAR, ADMINISTRATIVE MEMBER**

Kumari Divya Kujur, D/o Late John Kujur, aged 30+ years resident of Village- Churi tola, PO & PS- Kankey, District- Ranchi.

..... Applicant.

- By Advocate: - Mrs. Ruby Pandey, proxy counsel for Shri K. Banerjee

-Versus-

1. The Union of India through the Director (Finance), Central Silk Board, BTM Layout, Madivala, Bangalore-560068.
2. Director, Central Tsar Research & Training Institute, PO & PS- Nagri, District- Ranchi-835303.

..... Respondents.

- By Advocate: - Mr. M.A. Khan

**O R D E R
[ORAL]**

Per Mr. J. V. Bhairavia, J.M.:- In the instant OA, the applicant has sought relief for a direction upon the respondents to extend the family pension benefits which was stopped from the year 2012 with arrears.

2. It is the case of the applicant that applicant being the unmarried dependent daughter of the deceased employee has been denied the family pension benefits on the ground that the applicant has crossed the 25 years of age. As such, the applicant is unmarried

dependent at parental house. She has no alternative source of income. There is no other claimant except the applicant. Hence, the applicant is entitled for the prayer as sought in this OA. The applicant has submitted all the relevant documents to prove her status as unmarried daughter such as (i) Certificate of Mukhiya, Gram Panchayat Govindpur, Prambir Albert Ekka Jari, District-Gumla, Jharkhand, (ii) Certificate dated 29.10.2018 issued with respect to her income of Rs. 70,000/- per annum issued by the Circle Officer, (iii) Caste Certificate issued by sub-divisional officer, Govt. of Jharkhand, (iv) Residential certificate issued by the competent authority and the copy of Aadhar Card (Annexure A/R/1 refers).

3. In contra, the learned counsel for the respondents submitted that it is not dispute that the father of the applicant was a permanent employee as Staff Car Driver Grade-II under respondent no. 2, i.e. Director, Central Tsar Research and Training Institute, PO & PS- Nagri, District- Ranchi. He died in harness on 26.06.2007 leaving behind his widow Smt. Albisa Kujur and four daughters in which the applicant is the youngest unmarried dependent daughter of the deceased employee. Rest of the daughters of the deceased employee is married. This fact contended by the applicant is not in dispute. The family pension was paid to the applicant upto October, 2011. However, as per the provision of Pension Rules, she has not produced the Life Certificate during the month of November, 2011. The pension was discontinued from November, 2011 by the bank.

The details of the Pension Payment Order, family pension at higher rate of Rs. 5,455/- per month + admissible relief w.e.f. 19.10.2018 to the date till she attains the age of 25 years or on marriage or starts earning whichever is earliest has been granted to the applicant. The condition put forth in the Pension Payment Order has not been fulfilled by the applicant for continued payment of family pension. Therefore, the same has been discontinued. Vide letter dated 24.08.2018 the applicant was requested to produce the Income Certificate as per the letter No. 1/13/09-P&PW(E) dated 28.04.2011 of Ministry of Personnel, Public Grievances and Pension, New Delhi.

4. On the above stated submission of the respondents, the learned counsel for the applicant submitted by way of rejoinder that the details of submission of requested documents are placed on record. In response to the respondents' letter dated 24.08.2018 all the necessary documents have been submitted.

5. It is apt to note that in the present case after submission of requested documents the respondents have not yet taken the decision with regard to continuation of family pension in favour of the applicant.

6. It is further noticed that due to non submission of Life Certificate the family pension was discontinued from November, 2011. It is further noticed that though the applicant crossed the age of 25 years but her claim is that she is unmarried till date and

therefore entitled for the family pension. In response to the letter dated 24.08.2018 the applicant has submitted her Income Certificate.

7. Considering the above factual matrix of the case and materials on record, it is appropriate to direct the respondents to decide the claim of the applicant without any further delay. It is, therefore, directed to the respondents to take appropriate decision within 30 days from the date of receipt of this order and pass appropriate reasoned and speaking order. If the applicant's claim is found to be genuine and meet with the requisites under the rules the respondents are further directed to grant all the admissible benefits in favour of the applicant. The OA is disposed of accordingly. No order as to costs.

[B.V. Sudhakar]/M[A]

[Jayesh V. Bhairavia]/M[J]

Srk.