

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PATNA BENCH  
CIRCUIT BENCH, RANCHI  
OA/051/00869/18**

Date of order: 27.11.2018

**C O R A M**

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

Priti Telang, D/o Ganesh K. D. Telang, aged about 27years Occu-Nil  
R/o: House No.67, Math Mohalla, Indora, Nagpur-14, Maharashtra.

..... Applicant.

- By Advocate: - Mr. Saurav Kumar

-Versus-

1. The Union of India through the General Manager, Ministry of Railways, Shastri Bhavan, Delhi-110011.
2. Sr. Divisional Personnel Officer, South Eastern Railway, Chakradharpur.
3. Accounts Office for FA & CAO (Pension), South Eastern Railway, Garden Reach, Calcutta-700043.

..... Respondents.

By Advocate: - Mr. P. D. Singh

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

**Per Mr. J. V. Bhairavia, J.M.:-** In the instant OA, the claim of the applicant for grant of family pension has been denied by the respondents vide their decision dated 22.05.2018 whereby informed to the applicant that grant of family pension to unmarried daughter has been examined and it was found that she is unmarried daughter of 3<sup>rd</sup> wife of the ex-employee Late G.K.D. Telang, Ex-Chief Health Inspector, Chakradharpur. The 3<sup>rd</sup> marriage is void as per rules. Apart

from the above, during the investigation it was found that second wife of the ex-employee was also alive. In view of said fact, her claim for grant of unmarried family pension has been regretted by the competent authority (AnnexureA/12refers). Aggrieved by the said order, the applicant has preferred the present OA.

2. It is the case of the applicant that her father Late Shri G.K.D.Telang having been medically decategorized retired from service w.e.f. 08.01.1998. He was sanctioned pension vide PPO No.SE/CKP/1999/B224/PI-E635. He retired on 23.02.2015. His first wife Smt. Chaya G. Telang expired on 19.11.1989 and her father married to her mother Smt. Vimal G.Telang and out of the said wedlock she was born on 20.01.1991. Due to some reason her mother deserted her father and married one Shri Pramod Pundalik Wenkar. From the first wife of her father there were three children, 2 married daughters and one son. The son was appointed on compassionate ground. The applicant had submitted an application for grant of unmarried family pension in her favour on 18.06.2016 in due proforma along with all necessary documents including the certificate of legal heirship. She being the unmarried sole daughter of the second wife and lawful wife of the deceased pensioner she is entitled to receive the unmarried family pension. However, her case was regretted on the ground that her father had got 3<sup>rd</sup> wife which is illegal as per rules. The learned counsel for the applicant submitted that in fact the applicant is the daughter of second wife and not the

called 3<sup>rd</sup> wife of her late father. In spite of requests for the details of 3<sup>rd</sup> wife the respondents had not provided any details and therefore her case is required to be considered as per the provisions of Railway Service (Pension) Rules wherein in the definition of family unmarried daughter including step-daughter and adopted daughter are also entitled to receive family pension.

3. The learned counsel for the applicant submitted that the case of the applicant is required to be re-considered by the respondents and the applicant will be satisfied if he will be allowed to submit fresh representation before the concerned authority and the same may be directed to be considered as per the actual family details of the applicant being the unmarried daughter of 2<sup>nd</sup> wife of Late railway employee.

4. The learned counsel for the respondents submitted that from the perusal of the impugned order dated 22.05.2018 which reveals that the respondents have considered the claim of the applicant and during investigation it was found that the second wife of the ex-employee is also alive and the applicant is the unmarried daughter of 3<sup>rd</sup> wife of the ex-employee. However, the respondents will consider the representation of the application in accordance with extant rules as well as details of the family of the pensioner, i.e. Late Ganesh Telang.

5. Considering the factual matrix of the present case and the submissions made by the learned counsel for the applicant it is

appropriate to accept the request of the applicant to submit another representation along with copy of this OA within a period of 30 days from today before the concerned authority and on receipt of the same the respondents are directed to re-consider the claim of the applicant within 90 days without influence of the decision dated 22.05.2018. The OA is disposed of accordingly at the admission stage itself. No order as to costs.

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

**[Jayesh V. Bhairavia ]/M[J]**

Srk.