

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Thursday 7th day of February Two Thousand And Nineteen

PRESENT:

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

O.A. 310/1325/2016

Lakshmi Shivaramon,
W/o. Late Sri Shivaramon,
No. 3C, Rahu Priya Apartments,
3/13, Kirshnama Road,
Nungambakkam, Chennai-34.

...Applicant

(By Advocate: Mr. M. Ravi)
Versus

1. Union of India Rep. by the
Regional Director (Food),
Southern Region,
Department of Food & Public Distribution,
Government of India,
Ministry of Consumer Affairs, Food & Public Distribution,
Sastri Bhavan, Chennai-6;

2. The Pay and Accounts Office,
Rep. by Senior Accounts Officer,
Department of Food & Public Distribution,
Government of India,
Ministry of Consumer Affairs, Food & Public Distribution,
Shastri Bhavan, Chennai-6;

3. The Pay and Accounts Officer,
Central Pension Accounting Office,
Ministry of Finance, Department of Expenditure,
Trikoot-II, Bhikaji Cama Place,
R.K. Puram, New Delhi- 110 066.Respondents

(By Advocate: Mr. S. Padmanaban)

O R A L O R D E R

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

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

"to issue direction to the respondents to disburse to the applicant PPO No. 036871500082 within a time frame as deemed fit by the Hon'ble Tribunal the Family Pension payable to her from 01.07.2015 till date with interest as per Rules; and to continue to disburse the monthly Family Pension regularly every month in future and pass such further or other orders as this Hon'ble Tribunal may deem fit and thus render justice."

2. It is submitted that the applicant is a widowed daughter of one Mr. R. Ramanathan who served as Deputy Manager, FCI Regional Office, Chennai, retired on 31.1.1988 and expired on 23.09.2010. The applicant's husband, M.K. Shivaramon also expired on 25.01.2013. The applicant as a widowed daughter of the said Ramanathan applied for family pension and the same was sanctioned with effect from 26.01.2013 and arrears paid till 30.06.2015. However from 1.7.2015, the family pension was stopped though authorized by the competent authority. Hence, this OA.

3. Respondents have filed a reply stating that the applicant was authorized for family pension by the second respondent for an amount of Rs. 7560/- per month with effect from 26.01.2013 to 30.06.2015 and conveyed to the Respondent No.3 as Family Pension from 01.07.2015 to the applicant subject to the conditions stipulated in the PPO as well as in the CCS (Pension) Rules and the Treasury Rules. The first respondent in accordance with directions dated 25.09.2015 requested the applicant to submit the relevant declaration

along with non-employment certificate and non re-marriage certificate. However, it was noticed that the applicant was not eligible for family pension as she was not dependent of her father on the date his death on 23.09.2010 as per the legal heir-ship certificate dated 06.12.2012 as the applicant was married on the date of death of the pensioner. The cancellation of pension was made in terms of the OM. No.1/13/09-P&PW€ dated 18.09.2014 in which a clarification was issued as follows:-

"The family pension should discontinue in those cases where it had been sanctioned in pursuance of these OM but without taking into consideration that the widowed/divorced daughter was leading a married life at the time of death of her father/mother, whoever died later and was, therefore, ineligible for family pension. It would be appropriate that in order to maintain equality before law, family pension payable to such daughters is discontinued."

In the case of the applicant, her husband expired on 25.01.2013 after the death of the pensioner. As the applicant was not a dependent on the pensioner as on the date of his death, the payment of pension was untenable.

4. I have considered the pleadings as well as the submission by the rival counsel. It is not in dispute that the applicant's father expired on 23.9.2010. At that time the applicant was already married and was not a dependent on her father. The applicant's husband died on 25.1.2013 and, thereafter, she sought pension as a widowed daughter which ought not to have been allowed in the first place in terms of the relevant DOP&T/DP &PW instructions. It appears that the respondents committed a mistake in allowing the applicant to draw family pension. Once the mistake was noticed, they proceeded to

cancel the same. I, therefore, find no infirmity in their decision in the light of the standing instructions on the subject.

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

(R. RAMANUJAM)
MEMBER (A)

07.02.2019

Asvs.