

CENTRAL ADMINISTRATIVE TRIBUNAL  
MADRAS BENCH

Dated the Thursday 21<sup>st</sup> day of March Two Thousand And Nineteen

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

O.A. 310/1771/2017

M. Sarasu,  
W/o. Masilamani @ Ponnurangam, Hindu,  
Aged 52 years, R/o. 149, Muthiya Mudaliar Street,  
Puducherry.

....Applicant

(By Advocate: M/s. V. Ajaykumar)

Vs.

1. Union of India Rep by the Government of Puducherry  
Through the Secretary to Government (Works),  
Chief Secretariat, Puducherry;
2. The Chief Engineer, Public Works Department,  
Puducherry;
3. Manimegalia, W/o. Masilamani @ Ponnurangam,  
No.32, Kambilisamy Madathu Street,  
Pakkamudaiyanpet, Lawspet,  
Puducherry. ....Respondents

(By Advocate: Mr. R. Syed Mustafa,  
Mr. P.R. Thiruneelakantan)

**ORAL ORDER**

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

Heard. This OA has been filed by the applicant seeking the following reliefs:-

"to direct the respondents 1 and 2 to pay 50% of the service terminal benefits of the applicant's husband and the family pension to the applicant."

2. The applicant is a divorced wife of the deceased government servant. The grievance of the applicant is that she was receiving maintenance from her divorced husband till his death on 09.06.2017. Now she is not being paid a share in the family pension that a wife is entitled to. The applicant filed O.A. 1264/2017 in this regard which was disposed of by order dated 4.08.2017 directing the respondents to consider the representation of the applicant dated 12.06.2017 and pass a reasoned and speaking order in accordance with law within a period of two months from the date of receipt of a copy of the order. Annexure A/8 order dated 09.10.2017 came to be passed in pursuance thereof rejecting the claim of the applicant to be granted 50% of the family pension. Hence the applicant is before this Tribunal in the second round of litigation.

3. Learned counsel for the applicant would submit that inasmuch as the applicant was receiving maintenance from the late government employee, logically, she should be entitled to a part of the family pension also. Though the government employee died, the applicant is still surviving and is without any means to continue her livelihood. The respondents were required to duly

apply their mind to the facts and circumstances of the case and not lightly dismiss the claim as not covered by the rules, it is contended

4. Learned standing counsel for the respondents would, however, submit that the applicant had been receiving maintenance from the deceased government employee during his life time as per the orders of the Civil Court concerned. If the applicant needed support beyond the life time of the government employee, it was for her to approach the competent Civil Court and urge an appropriate relief in a manner known to law. No plea for a share in the family pension paid to a legally wedded wife could be made before this Tribunal in the absence of a provision in the rules or a court order to this effect.

5. I have considered the pleadings and submission. It is not in dispute that the relevant rules do not provide for a share in family pension for a divorced wife of a deceased employee who was otherwise receiving maintenance from her ex-husband as per court orders. Accordingly, I am inclined to agree with the learned Standing Counsel that the relevant forum for the applicant to seek relief, if any, would be the Civil Court and not this Tribunal.

6. OA is dismissed with the above observations. No costs.