

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A No. 180/00786/2017

Wednesday, this the 25th September, 2019.

CORAM:

HON'BLE Mr. ASHISH KALIA, JUDICIAL MEMBER

M.S. Leela (T M Retired),
W/o. P.D. Pankajakshan (late),
Mannullipadam, House No. AN 56,
Mangaliyam, Irumpanam (P.O),
Ernakulam, Kochi, Kerala – 682 309. - Applicant

[By Advocate : Mr. Millu Dandapani]

Versus

1. Union of India
represented by Secretary,
Ministry of Communications &
Information Technology, New Delhi – 110 001.
2. The Accounts Officer / PV,
Government of India,
Department of Telecommunications,
Office of the Controller of Communications Accounts,
Kerala Circle, 5th floor, BSNL Bhavan,
Thiruvananthapuram – 695 033.
3. The Accounts Officer (Estt.)
BSNL, Office of the Principal General Manager,
Telecom, Ernakulam – 682 016. - Respondents

[By Advocates : Mr. S. Ramesh for R-1 & 2
Mr. George Sebastian for R-3]

The application having been heard on 25.09.2019, the Tribunal on the same day delivered the following:

ORDER

Per: Ashish Kalia, Judicial Member

The applicant is the wife of Mr. P.D. Pankajakshan, who is a retired Jamadar from BSNL. Applicant herself is working with the BSNL. After the death of Pankajakshan on 09.01.1994, she claims to be

the legally wedded wife of late Pankajakshan and the applicant was receiving the family pension from the BSNL. On 01.03.2017 she was received with a communication from the respondent BSNL, she has been re-married to Mr. Lawrence without intimating the respondents and she was receiving the family pension of late Pankajakshan.

2. The applicant appeared before the office of the 3rd respondent with the required documents to convince that she never remarried to Mr. Lawrence. But to the surprise and dismay the applicant was issued with a letter from the 2nd respondent, that the applicant had drawn family pension irregularly after remarriage on 08.02.2007 the date on which the applicant declared Mr. Lawrence as her husband in official records.

3. The respondents also threatened to take appropriate proceedings for misrepresentation of facts and also for causing pecuniary loss to the Government. The applicant further submitted that he has not misrepresented nor she has remarried to Mr. Lawrence. And submitted that she has authorised her family pension in favour of Mr. Lawrence. But the fact remains in 1972 the applicant's husband Mr. Pankajakshan deserted her and he started living with another woman.

4. The applicant had three children with her and she was only 21 years at that point of time and she could not survive without a male help. Mr. Lawrence acted as a local guardian to her that was the only reason the applicant has entrusted her family pension in favour of

Mr. Lawrence. So the name of Mr. Lawrence was crept in the Aadhar card, Voters ID card, etc. Though he has been acted as guardian and never acted as husband and it cannot be depicted as being married and cannot be treated as husband of the applicant. The applicant has drawn family pension as the legally wedded wife of Mr. Pankajakshan and she seeks the following reliefs:-

- “(a) To declare that the applicant is entitled to receive the family pension of her deceased husband P.D. Pankajakshan.*
- (b) To call for the records pertains to Annexure A-2 and set aside the same as same is illegal and arbitrary.*
- (c) Direct the respondents to consider Annexure A-3 in its true spirit and declare that the applicant is the legal heir of the deceased PD Pankajakshan as ordered in Annexure A-4 order in OP (Succession) No. 78 of 1995.*
- (d) Direct the respondents 2 and 3 to pay family pension of deceased PD Pankajakshan to the applicant who is the legally wedded wife and also to pay the arrears which was not paid from 30.04.2017.*
- (e) Direct the respondents not to take any coercive steps to recover any amount from the applicant on the reason that she received the family pension of late PD Pankajakshan, illegally and without any right.*
- (f) To issue any other appropriate order or direction as this Hon'ble Tribunal may deem fit and proper on the facts and circumstances of the case.”*

5. Notices were issued and Mr. S. Ramesh, learned ACGSC appeared on behalf of Respondent No. 1 and 2 and Mr. George Sebastian appeared for Respondent No. 3. They have filed detailed reply statements.

6. In the reply of Respondent Nos. 1 & 2, it is submitted that the applicant was drawing family pension as widow of Mr. Pankajakshan and her own pension as retired employee of BSNL from Ernakulam Head Post Office. A review of records submitted to the office revealed that Mrs. Leela declared the name of her husband as Mr. Lawrence as per Annexures R-(1) (a) (b) & (c).

7. Heard learned counsel for the parties at length and similarly the stand taken by respondent No. 3. The issue raised by the applicant in this O.A is whether she is entitled for pensionary benefits?

8. The claim of the applicant is negated by this Tribunal for the reasons that the applicant herself declares to the same from Form 3- Details of family that she has married to Mr. T.R. Lawrence and his Date of Birth is 04.08.1943 and the Col. 4 – Relationship with the officer shows 'husband' as evidenced from Annexure R-1(a). And also in the Aadhar card and Voters ID card, spouse name is written as Mr. T.R. Lawrence.

9. In view of this, this Tribunal finds that there is hardly any truth in submission made by the applicant in this O.A. The respondent disclosed the relevant facts by documents which evident that she has declared to the Government Authorities that Mr. Lawrence as her husband. Now, in order to get the pensionary benefits of her late first husband, the present O.A is filed. The same is dismissed having no merit whatsoever. Ordered accordingly. There shall be no order as to costs.

(Dated, 25th September, 2019.)

**(ASHISH KALIA)
JUDICIAL MEMBER**

Applicant's Annexures

Annexure A-1 - True copy of the communication No. E. II/2/40-MSL/2016-17/20 issued by the 3rd respondent dated 03.01.2017.

Annexure A-2 - True copy of the communication No. CCA/ KRL/ PVA/1-3/C-546/2007-08/333 issued by the 2nd respondent dated 01.03.2017.

Annexure A-3 - True copy of the explanation submitted by the applicant before the 2nd respondent dated 01.05.2017.

Annexure A-4 - True copy of the order of the Principal Sub Judge, Ernakulam in Succession O.P. No. 78 of 1995 dated 11.03.1998.

Annexure A-5 - True copy of the communication No. CCA/KRL/ PVA/1-3/C-545/2007-08 (PPO 4368/DOT/KRL)/ 339 issued by the 2nd respondent to the Chief Manager, State Bank of Travancore dt. 04.01.2017.

Annexures of Respondents

Annexure R-1(a) (b) & (c) - True copy of details of family, personal details and CGEGIS Nomination of the applicant.

Annexure R-2(a) (b) (c) & (d)- True copy of Aadhar Card, Voters ID, BSNL Medical Card and Ration Card of the applicant.

Annexure R-3 - True copy of the PPO

Annexure R-3 (A) - A true copy of the family pension payment order dated 08.02.2007.

Annexure R-3 (B) - A true copy of the election identity card of the applicant.

Annexure R-3 (C) - A true copy of the BSNL Medical Card dated 03.10.2013

Annexure R-3 (D) - A true copy of the Ration Card dated 17.09.2011.

Annexure R-3 (E) - A true copy of the Aadhar Card bearing No. 312327595372
