

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

OA 021/0644/2018

Date of order : 16.08.2019

Between:

Smt. KHATIJA SULTANA,
W/o Sk. Ahmad Hussain,, Ex-Postman, Khairatabad HPO,
Aged 54 years,
R/o 9-4-136/1, Toli Chowki,
7, Toombs Road, HYDERABAD.

APPLICANT

A N D

1. Union of India Rep by its Secretary to the Government of India,
Ministry of Communications & IT,
Department of Posts, Dak Bhavan,
Sansad Marg, New Delhi 110001,
2. The Chief Postmaster General,
Telangana Circle, Hyderabad-500 001,
3. The Senior Superintendent of Post Offices,
Hyderabad City Division, Hyderabad 500001,
4. The Senior Postmaster,
Khairatabad Head Post Office,
Khairatabad, Hyderabad 500004

RESPONDENTS

Counsel for the applicant : M.VENKANNA

Counsel for the respondents : Mr. A.VIJAYA BHASKAR BABU.
Addl. CGSC

C O R A M :

THE HON'BLE MR. B V SUDHAKAR, MEMBER (A)

ORAL ORDER

2. OA is filed for sanction of enhanced pension as per the latest rules and regulations, keeping in view the 7th Central Pay Commission recommendations.

3. Brief facts of the case are that the respondents were paying family pension @ Rs.2025/- for some period and thereafter enhanced it to Rs.3919/- which is being paid as on date. Applicant claims that she is entitled for family pension of Rs.9000/- per month as per the recommendations of the 7th Central Pay Commission. Applicant made several representations to the respondents to enhance her family pension but with no fruitful result. Further, one Smt. Shaik Shakeela filed a declaration suit O.S.No.76 of 2003 in the competent family court claiming that she is the legally wedded wife of the deceased employee. The competent court delivered the judgment declaring that the second wife of the deceased employee is entitled for 50% of terminal benefits as the deceased Government employee did not inform about the second marriage, nor did take permission to do so, as per Central Civil Services (Conduct) Rules, 1964. Accordingly, respondents paid family pension to the applicant @ Rs.2025/- from 17.08.2002 upto 31.12.2002, and thereafter @ Rs.3078/- from January 2003 upto December 2006 and after that it was enhanced to Rs.3919/-. Instead of enhancing the the pension as per the Central Pay Commission recommendations, respondents have reduced the family pension. Applicant represented to fix her family pension as per the 7th Central Pay Commission recommendations @ Rs.9000/- per month with effect from 01.01.2016.

As there has been no response from the respondents, OA has been filed.

3. Contentions of the applicant are that the family pension has to be duly released by the respondents as per the rules on the subject. Applicant is eligible for enhanced pension from the date of death of the Government servant i.e., for a period of 10 years. However, the family pension was allowed for seven years only. Reduced pension should not be less than the minimum pension applicable as per the 7th Central Pay Commission recommendations.

4. Respondents have not filed reply statement despite giving them number of opportunities to file the same.

5. Heard both counsel and perused the records.

6. OA was filed on 2.7.2018 and nearly a year has lapsed, yet the reply not filed. Consequently, in order not to delay further, the matter was heard.

7. (i) Applicant is contending that she was granted the family pension of Rs.2025/- on the demise of her husband, who retired as a Postman from the respondents-organisation. As per the 6th Central Pay Commission recommendations, family pension need to have been revised to Rs.4575/- with effect from 01.01.2006 and should have been paid upto 2012, is the claim made. Applicant's pension was reduced to Rs.1275/- with effect from 17.08.2009. Against the same, applicant

represented on 21.4.2012 claiming that enhanced pension should be paid to her upto 17.08.2012 as per the 6th Central Pay Commission recommendations. Applicant asserts that her family pension has to be revised as per the latest 7th Central Pay Commission recommendations @ Rs.9000/- per month with effect from 1.1.2016 It needs no reiteration that the pension of the pensioners is being reviewed and revised by the Central Pay Commission regularly as and when they are formed and once recommendations are accepted by the Government, they need to be acted upon. Applicant, based on the recommendations, is seeking enhancement of her monthly family pension to Rs.9000/- citing 7th Central Pay Commission recommendations, wherein the minimum prescribed family pension as per the applicant, is Rs.9000/- per month.

(ii) In view of the above, applicant is directed to make a comprehensive representation within two weeks of receipt of this order, citing rules, relevant CPC recommendations and judicial orders on the subject. Thereafter, respondents to dispose of the said representation within eight weeks of receipt, by issuing a speaking and well reasoned order. There shall be no order as to costs.

(iii) With the above directions, OA is disposed of.

(B.V.SUDHAKAR)
MEMBER (A)

vsn