

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA/021/00418/2018

Date of Order : 13-06-2019

Between :

Sabiha Sultana D/o Late Modh.Abdul Wahab,
Aged about 56 years, Occupation : Unemployed,
R/o D.No.11-4-833, Chikalguda,
Secunderabad.Applicant

AND

1. The General Manager,
South Central Railway, Rail Nilayam,
Secunderabad.
2. The Divisional Railway Manager,
South Central Railway, Secunderabad Division,
Sanchalan Bhavan, Secunderabad.
3. The Senior Divisional Personnel Officer,
South Central Railway, Secunderabad Division,
Sanchalan Bhavan, Secunderabad. ...Respondents

Counsel for the Applicant: Mr.M.V.KrishnaMohan

Counsel for the Respondents : Mr.D.Madhava Redy, SC for Rlys

CORAM :

THE HON'BLE MRS.NAINI JAYASEELAN, ADMINISTRATIVE MEMBER

(Oral Order per Hon'ble Mrs.Naini Jayaseelan, Administrative Member)

Heard Mr.M.V.Krishna Mohan, leaned counsel for the applicant and
Mr. Pavan Maitreya, proxy counsel representing Mr.D.Madhava Reddy,
learned Standing Counsel for Respondent Railways.

2. The applicant is the widowed daughter of late Sk. Mohd Abdul Wahab, retired Dy. Station Superintendent, Hyderabad .

3. Sk. Mohd. Abdul Wahab died on 11.05.1998 and was receiving pension. Thereafter, applicant's mother received family pension till her death on 09-02-2011. The applicant has prayed that since she is the dependent widowed daughter of late Sk. Mohd Abdul Wahab, she is entitled to get family pension in accordance with Serial Circular No.105/2008, No. P(R)/500/XXIII, dated 29.08.2008. Therefore, after the death of her mother, she had applied for sanction of family pension on 25-08-2011 as per her eligibility under the extant rules.

4. The Respondents vide letter dated 25.08.2011 asked the applicant to submit six documents. It is the contention of the applicant that all these six documents have since been submitted. However, vide impugned order dated 10.08.2017, her case was rejected on the ground that the name of the widowed daughter can be included at the request of the pensioner as per the Serial Circular No.105/2008 and it is for the applicant to establish her dependency on the pensioner. Further, in terms of Serial Circular No.127/2012, sanction of secondary family pension is subject to fulfilment of all the eligibility conditions by the claimants and it is the responsibility of the pension sanctioning authority concerned to satisfy themselves based on the scrutiny of the documents. Mere widowhood/divorce during lifetime of the parents without establishing the dependency, cannot be considered for

sanction of secondary family pension. It is pertinent to point out that the pensioner died on 11.05.1998 whereas the circular quoted by the Respondents is dated 29.08.2008.

5. It is the case of the respondents' counsel that the applicant's husband died on 20.10.1995 ie before the death of the pensioner and since neither the pensioner nor the family pensioner had brought to the notice of the Railway Administration that the applicant is dependent on her parents, by way of including her name as "dependent" therefore Railways rejected the request of the applicant.

6. The counsel stated that the six documents that were required to be submitted have been submitted all by the applicant for establishing her dependency and the Department should be directed to scrutinize the documents and if required, request the applicant to submit any further documents to establish her dependency. Rejection merely on the ground that the name of the widowed daughter can be included at the request of the pensioner as per Serial Circular No.105/2008, may not be appropriate, since it is for the applicant to establish her dependency on the pensioner.

7. The Original Application is disposed of with a direction to the applicant to make a fresh representation to the concerned authorities along with the six documents that she had submitted earlier and any other document that would establish her dependency on her deceased father within a period one month and the Department is hereby directed to

dispose of the representation within a period of 3 months by way of passing a speaking order on the issue of dependency and her claim for family pension. No order as to costs.

(NAINI JAYASEELAN)
ADMINISTRATIVE MEMBER

Dated : 13th June,2019.
Dictated in Open Court.

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