

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/641/2016

Jabalpur, this Thursday, the 08th day of August, 2019

HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER

Suhadra Bai
W/o Rajaram Kachhi
aged about 50 years
R/o Village Pathra Police Station
Panagar, Distt. Jabalpur (M.P.) 482001

-Applicant

(By Advocate –**Smt. Sushma Pandey**)

V e r s u s

1. Union of India,
Through General Manager,
C.O.D. Jabalpur (M.P.) 482001

2. The Commandant
Central Ordinance Depot
Jabalpur 482001

3. O.C.C.(A), Pers Officer (Civil)
Central Ordinance Depot,
Jabalpur 482001

4. Pension Officer/Superintendent
Establishment Section,
Central Ordinance Depot
C.O.D. Jabalpur 482001

5. Rajaram Kachhi
S/o Shri Jauhari Kachhi,
Aged about 57 years,
R/o Old Basti Ranjhi,
Distt. Jabalpur (M.P.) 482001

- Respondents

(By Advocate –**Shri N.K. Mishra**)

ORDER (Oral)

This Original Application has been filed by the applicant against the inaction of the respondent-department in not entering the name of the applicant in the pension settlement documents.

2. The applicant has prayed for the following reliefs:-

“8(i) This Hon’ble Court may kindly be pleased to issue a direction to the respondent No.3 to enter the name of applicant in the pension settlement document of respondent No.5 as mentioned in service record.

(ii) This Hon’ble Court may kindly be pleased to issue a direction to the respondent to verify and clarification in Ann. A/5 & A/7 whereby wrong decision taken by respondent No.3.

(iii) This Hon’ble Court may kindly be pleased to issue a direction to the respondent No.5 to give consent to the settlement department of employer for entering the name of applicant petition in pension case of the applicant.

(iv) This Hon’ble Court may issue the direct to observation the pension case of respondent No.5 with due consideration of Ann. A/5 and A/7 and issue the direction to decide the Ann. A/9 which is still pending.”

3. Briefly the facts of the case are that the applicant is wife of respondent No.5 who worked under department of

Central Ordinance Depot, as B.T.P. Labour Section. The applicant is a legally wedded wife of respondent No.5 and is fully dependent upon him. It has been submitted by the applicant that the case for maintenance has already been decided by the Judicial Magistrate First Class Jabalpur in Case No.13/2012 whereby the direction was granted to increase the maintenance amount of Rs. 500/- to Rs.4000/- per month. Against the said order applicant's husband Shri Rajaram filed Revision Case No.165/2014 which was decided on 15.07.2014 whereby the direction was given to pay maintenance amount of Rs.3000/- per month, reducing Rs.1000/- to his wife for maintenance. The applicant sought information through Right to Information Act regarding the family details of her husband from the department. The applicant submitted her representation dated 21.05.2015 (Annexure A/5) to enter her name in the pension papers as she is the legally wedded wife of Shri Rajaram. The respondents vide letter dated 08.06.2015 (Annexure A/6) has intimated the applicant that her name

could not be entered in the pension column as there is family dispute case is pending in the competent court. The applicant again submitted her representation dated 29.06.2015 (Annexure A/7). The respondents again vide letter dated 01.08.2015 (Annexure A-8) has intimated the applicant that her name can only entered either on receipt of a compromise application from her husband with contents that the dispute have been settled or a direction from Hon'ble Court. The applicant further submitted her application dated 11.08.2015 (Annexure A/9). Hence this Original Application.

4. The respondents have filed their reply. It has been submitted that the applicant's husband superannuated from service on 31.08.2015 and as per records held in the department there was some family dispute between the applicant and her husband. It has been submitted that the data sheet for sanction of pensionary awards to Defence Civilian filled by Rajaram Kachhi in which he has not adduced the name of his spouse in family particulars.

However the name of the applicant was not mentioned anywhere in the entire pension case of the respondent No.5. Moreover after retirement of the employee the name of the applicant could not be entered in record of family purpose of her husband's pension settlement. The husband of the applicant after retirement has got all the retiral benefits therefore the department is not bound to stop any retiral dues without any appropriate order passed by any competent authority.

5. The applicant has filed rejoinder to the reply filed by the respondents and has reiterated its earlier stand taken in the Original Application. It has been submitted by the applicant that she is not seeking any financial benefits. The applicant is seeking respondents No.3 to enter the name of applicant in the pension settlement document. It has been further submitted by the applicant that there is no family dispute case is pending before any court only recovery proceedings are pending the dispute of maintenance is already settled and the applicant has not taken any divorce

from respondent No.5 she is still wife of the said employee. The applicant has submitted that the husband of the applicant has filled up the family details dated 26.09.2014 wherein her name 'Smt. Subhadra Bai' wife is written.

6. Heard the learned counsel for both the parties and I have also gone through the documents annexed with the pleadings.

7. It is admitted fact that the applicant is a legally wedded wife of respondent No.5. The only dispute for determination of this Court is that whether Annexure A/6 and A/8 are sustainable in the eyes of law.

8. From the record itself it is clear that as per Annexure A/4 page 27 in LPC-cum-Date Sheet for Sanction of Pensionary Awards to Defence Civilian, which was filled up by respondent No.5, the name of applicant has not been entered in the column 42 'Name of Spouse'. But at the next page 28 itself under the heading 'Family Details' the name of applicant 'Smt Subhadra Bai' has been entered as

Serial No.1 and relation is shown as 'Wife'. It is pertinent to mention that this document has been signed by respondent No.5 himself on 26.09.2014. This document itself is clear that the name of applicant is entered in the family details and this document has been prepared at the time of preparation of pensionary papers.

9. In view of the above, I am of the considered opinion that the reasons given by the respondent-department in Annexure A/6 and A/8 are unwarranted and are not sustainable in the eyes of law.

10. Resultantly this Original Application is allowed. Respondents are directed to consider the name of applicant as wife of respondent No.5 as per Annexure A/4 as discussed above. No costs.

(Ramesh Singh Thakur)
Judicial Member

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