

Central Administrative Tribunal  
Principal Bench, New Delhi.

RA-136/2005  
MA-1241/2005  
MA-1242/2005  
OA-2534/2003

(7)

New Delhi this the 22<sup>nd</sup> day of August, 2005.

Hon'ble Shri Shanker Raju, Member(J)

1. Union of India through  
the Secretary,  
Ministry of Defence,  
Govt. of India,  
South Block,  
New Delhi.
2. The Director,  
Defence Res & Dev Laboratory,  
Kanchanbagh, Hyderabad. .... Review Applicants

(through Sh. Rajeev Bansal, proxy for Sh. B.K. Aggarwal, Advocate)

Versus

Smt. Bhateria Devi,  
W/o late Sh. Dayanand,  
R/o H.No. 2053, Gali No.1,  
Gandhi Nagar, Rajgarh Extension,  
Delhi-31. .... Respondent

(through Sh. Yogesh Sharma, Advocate)

Order (Oral)

Heard the learned counsel of the parties.

2. A review is maintainable only on the ground of an error apparent on the face of record as well as discovery of a new material which after due diligence could not be produced by the parties.
3. By an order dated 27.7.2004, OA-2534/2003 stood disposed of with a direction to the respondents that as the deceased has fulfilled the condition laid down in O.M. dated 24.10.1986, the LRs are entitled to the family pension and

(3)

the same shall be disbursed to them with arrears within a period of three months.

4. Respondents preferred this review application on the ground that from enquiries by the local police, it has been transpired that the Bhateri Devi has remarried with Chand Ram and have two children. In this view of the matter, it is stated that on re-marriage one is not entitled for family pension.

5. Another objection raised is that Bhateri Devi is in receipt of pension from Haryana Government. As such, she is not entitled to family pension.

6. On the other hand, while rebutting the arguments of review applicants, it is stated by the learned counsel of the respondents in RA that as per affidavit issued by two villagers, it is clear that she had never married with Chand Ram and moreover while drawing my attention to Ministry of Finance dated 11.5.1951 wherein it is stated that a widow of a Policeman who was governed by the Extraordinary Pension Rules gave birth to an illegitimate child on remarriage, family pension cannot be stopped.

7. As regards pension of Rs. 300/- disbursed to the respondents by Haryana Government is concerned, the same was insufficient to financially support the widow. However, it is stated at Bar by the learned counsel of the applicant that whenever pension is released from the respondents in OA, respondent in RA would prefer an application to get this pension stopped.

8. In view of the above, having regard to OM dated 11.5.1951, without any valid proof of remarriage of the applicant mere existence of illegitimate children would not be an impediment for grant of family pension to the applicant.

9. As regards pension of Rs.300/-, a meager amount is insufficient to sustain the applicant. However, if the pension is released, applicant shall have to make an application to stop the aforesaid payment.



10. With the above observations, I do not find any merit in the review application, which is dismissed. No costs.

S. Raju

(Shanker Raju)  
Member(J)

/vv/