

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 137/2003

This the 31st day of July, 2003

HON'BLE SH. KULDIP SINGH, MEMBER (J)

Sudershan
S/o Late Sh. Suresh Chand
R/o 91-A, Ward No.2,
Mehrauli, New Delhi-110030.

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(By Advocate: Sh. Rohit Sharma)

Versus

1. The Secretary,
Ministry of Urban Development,
Nirman Bhawan,
New Delhi.
2. The Director General,
C.P.W.D., Nirman Bhawan,
New Delhi.
3. The Executive Engineer (Electrical),
Air-Condition Division-IV,
C.P.W.D., Vidyut Bhawan,
New Delhi-110001.
4. Smt. Munni Devi,
W/o Sh. Ashok,
R/o H.No.848, Ward No.3,
Darwaza Mohalla, Valmiki Basti,
Rohtak, Haryana.

(By Advocate: Sh. M.K.Bhardwaj proxy for
Sh. A.K.Bhardwaj)

O R D E R (ORAL)

By Sh. Kuldip Singh, Member (J)

Heard learned counsel for the parties.

2. Applicant who is son of late Sh. Suresh Chand has filed this OA seeking a direction to the respondents to stop family pension to Resp. No.4.

3. Facts in brief are that the father of the applicant, namely, Sh. Suresh Chand was a Govt. employee, who was a LDC with the respondents. Father of the applicant had expired in January 1982. Thereafter family pension was sanctioned to

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Resp. No.4. Applicant further alleges that Resp. No.4 who is wife of late Govt. employee had left the applicant and had remarried with someone else and therefore had disintitled herself to receive pension. Though Resp. No.4 has left the applicant in the year 1986 and had remarried and since then respondents are not supposed to pay pension to her yet respondents have not taken any action.

4. It is further stated that now it is applicant who is entitled for pension. As such it is prayed that directions be issued to the respondents also to the fact that amount of family pension should be paid to applicant which have been paid to Resp. No.4.

5. Respondents are contesting the OA. Respondents pleaded that there was no proof furnished to the department regarding second marriage of Resp. No.4 nor the petitioner has produced succession certificate to show that he is the son of late Sh. Suresh Chand. Since, the main objection is that no proof of second marriage of Resp. No.4 has been furnished, so respondents could not stop the pension. Applicant was asked vide letter dated 21.3.2002 to give evidence of remarriage of Resp. No.4. Ms. Munni Devi was also asked vide letter dated 4.4.2002 to state the truth on an affidavit. Respondents could not have stopped the payment of pension to Ms. Munni Devi until respondents are satisfied that she has been re-married. However, since Resp. No.4 did not furnish the requisite certificate, so her pension has been stopped from October 2002 on submissions of the proof furnished by the applicant.

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6. I have heard the learned counsel for the parties. Counsel for respondents submitted that applicant should have produced the order from the competent court of jurisdiction regarding status of second marriage of Resp. No.4. As far case of Resp. No.4 is concerned, I think it is not required to go further in this matter, as Resp. No.4 has not chosen to appear in this case, it means that she admits the allegations levelled against her. However, respondents also admit that they have already stopped the pension of Resp. No.4 from October 2002, when the proof was furnished by the applicant. So I think there was no fault of the respondents till the proof was made available to them. As far applicant is concerned, since he is the legal heir of the deceased and respondents had already stopped the pension of Resp. No.4, so in these circumstances respondents are directed to pay the family pension to applicant as per CCS (Pension) Rules till the period the applicant remains eligible to receive pension.

7. Applicant has also prayed for recovery recovery of pension from Resp. No.4 w.e.f. 1986. I think this prayer cannot be granted. For this applicant is at liberty to take appropriate proceedings before appropriate forum. OA stands disposed of.


(KULDIP SINGH)
Member (J)

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