

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP 91/2006
OA 1071/2003

New Delhi, this the 23rd day of August, 2006

HON'BLE MR. V.K. MAJOTRA, VICE-CHAIRMAN (A)
HON'BLE MR. MUKESH KUMAR GUPTA, MEMBER (J)

Smt. Sardari Devi
Widow of late Shri Arthal Singh,
Formerly Security Guard,
L.P.T.V., Doordarshan,
Etawaha. (U.P.)

Permanent resident of:-

Village : Nangal Khurd, Post Office: Khande Han,
District: Aligarh (U.P.).

... Applicant.

(By Advocate Shri D.N. Sharma)

VERSUS

1. Shri Naveen Kumar,
The Director General,
Doordarshan / Prasar Bharti,
Broadcasting Corporation of India,
Doordarshan House, Copernicus Marg,
New Delhi.
2. Shri Vinod Kumar, Station Engineer,
Doordarshan Maintenance Centre,
17/97, 'O' Block,
Geeta Nagar, Kanpur. (U.P.).

... Respondents / alleged
Contemnors

(By Advocate Shri S.N. Sharma for Sh. S.K. Pabbi)

O R D E R (ORAL)

By Mr. V.K. Majotra, Vice-Chairman (A):-

Learned counsel heard.

2. OA 1071/2003 was allowed vide order dated 15.4.2004 with following observations / directions:-

"8. This aspect of the matter has not been at all looked into by the respondents when the deceased died and the applicant has been pursuing her remedies unsuccessfully and in the light of the Apex Court judgment, the applicant is entitled to the family pension from 27.7.1985. Accordingly, OA is allowed. Respondents are directed to accord the applicant gratuity as well as pension in accordance with the Rules 54-2 (aa) w.e.f. 1985 within three months from the date of receipt of a copy of this order. No costs."

3. Applicant, through present Contempt Petition, alleged that respondents have not granted family pension to her in lieu of her husband's service with the

respondents. Learned counsel for respondents pointed out that in terms of Sub-rule 13(A) of Rule 54 of CCS (Pension) Rules, applicant is not entitled to the second family pension. She has been receiving family pension in connection with her husband's service with the Army. As such she is not entitled to any family pension in regard to service of her husband with the present respondents.

4. Sub-rule 13(A) of Rule 54 of CCS (Pension) Rules reads as follows:-

"(13-A) A military pensioner, who on retirement from military service, on retiring pension, service pension or invalid pension is governed for the grant of ordinary family pension by Army Instruction 2/S/64 or corresponding Navy or Air Force Instructions and is re-employed in a civil service or civil post before attaining the age of superannuation, shall for the purpose of eligibility for the family pension admissible under this rule or the family pension already authorized under the aforesaid Army / Navy / Air Force Instruction, be governed as follows:-

(i) If he dies while holding a civil post, his family shall be allowed family pension under these rules or the family pension authorized at the time of retirement or discharge from the military service, whichever is more advantageous to the family."

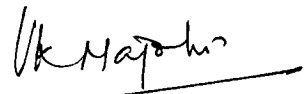
5. Learned counsel for applicant stated that respondents had not made such a plea at the time when OA was decided. It is observed that applicant had not brought this on record in OA that she had been receiving family pension in lieu of military service of her husband. Admittedly applicant has been paid gratuity as also family pension in respect of military service.

6. In the above backdrop, these proceedings are dropped and notices to respondents are discharged with liberty to the applicant to raise grievance, if any as per law.



(Mukesh Kumar Gupta)
Member (J)

/gkk/



(V.K. Majotra)
Vice-Chairman (A)

23.8.06