

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDERABAD**

**Original Application No.21/1170/2018**

**Date of Order: 16.07.2019**

Between:

K.Narayana Reddy  
S/o K. Sai Reddy  
Aged about 63 years  
Retd. M.T.S., Secunderabad H.O.  
R/o H.No.1-61, Benmur Village  
A/w. Yalal S.O. – 501 144. .... Applicant  
AND

1. Union of India represented by  
The Secretary, Government of India  
Ministry of Communication & IT  
Department of Posts – India  
Dak Bhavan, Sansad Marg  
New Delhi – 110 001.

2. The Chief Postmaster General  
Telangana Circle, “Dak Sadan”  
Abids, Hyderabad 500 001.

3. The Director of Accounts (Postal)  
Telangana Circle  
Hyderabad 500001

4. The Senior Superintendent of Post Offices  
Secunderabad Division  
Gandhi Nagar  
Hyderabad 500080. .... Respondents

Counsel for the Applicant .... Mr. M. Venkanna.

Counsel for the Respondents ... Mr. A. Praveen Kumar Yadav, Addl.  
CGSC

**CORAM:**

***Hon'ble Mr. B.V. Sudhakar, Member (Admn.)***

**ORAL ORDER**

2. The OA is filed seeking a direction to be given to respondents to include the name of the disabled son of the applicant in the Pension Payment Order.

3. Brief facts of the case are that the applicant retired on 31.12.2014 from the respondents organization on attaining the age of superannuation. He was granted Pension Payment Order (in short, PPO), bearing No.Postal/2014/AP/31555. Unfortunately, his son met with an accident thereby he became physically disabled to the extent of 85%. As per DoPT's instructions, the name of a disabled ward of the Government Servant can be included in the PPO. Accordingly, the applicant made a representation on 20.06.2016 and followed it up by many representations in later years but he did not yield any reasons. Hence, the OA.

4. The contention of the applicant is that pension is not a bounty. The respondents action in not including the name of the disabled son in the PPO, despite DoPT's OM dated 18.09.2018 provides for such inclusion, is in violation their own rules. It is unfortunate that respondents did not respond to any of the representations made in this regard. This Tribunal in OA No.1422 of 2015 has provided similar relief for a similarly situated person.

5. Respondents were given ample opportunities to file the reply, however, they did not do so though nearly 9 months have elapsed. The grievance of the applicant is simple, yet, it is surprising that the respondents have not filed their reply statement. Hence, in the interest of justice, the case has been heard.

6. Heard the counsel for the applicant. Respondents' counsel was absent.

7. (I) As seen from the records, applicant was issued a disability certificate dated 06.09.2010 (copy of which is at Annexure III to the OA) by the Government of Andhra Pradesh, wherein it is clearly stated that disabled ward is suffering from permanent disability of Physically (Locomotor/Orthopaedic).

(II) The applicant is concerned about future of his son, who is disabled. In fact, the present issue involved in this OA is no more *res-integra*. An issue of similar nature was dealt with by a Division Bench of this Tribunal in OA No.1422/2015, wherein it was observed as under:

“..... Further, the DoPT OM dated 1.7.2013 (R-9) also provides necessary clarification on the subject matter. Para 5 of this OM clearly provides for addition of permanently disabled child/children/siblings and/or dependent parents particulars in the PPO issued to the retiring Government servant, if there is no other eligible prior claimant for family pension other than the spouse. It is also stated in the said Memo that no fresh PPO need to be issued in such cases and the family pension will be payable by the pension disbursing authority in the order of priority as stipulated therein. This aspect has been further simplified vide amended sub-rule (1)(e) of the amended rules that have come into force from 29.8.2014. This position has been clearly brought out by the applicant in para 5(ii) of the O.A. However, the respondents have not taken cognizance of the same and turned down applicant's request for inclusion of his child's name in the PPO. For better appreciation, the amended rule effective from 29.9.2014, which clearly provides for consideration of cases of existing pensioners is reproduced below: (Rule 65 sub-rule (1)(e):

“(e) On receipt of a written communication from the Head of Office on an application from an existing pensioner or family pensioner, the Accounts Officer shall also indicate in the Pension Payment Order, the names of the permanently disabled child or children and dependent parents and disabled siblings as family pensioners if there is no other member of family to whom family pension may become payable before such disabled child or children or dependent parents or disabled siblings.”

Therefore, we do not see any rationale in the action of respondents to reject applicant's claim citing the instructions contained in OM dated 3.8.2011. In fact neither the O.M. dated 3.8.2011 nor the amended rule implemented from 29.8.2014 was in existence on the date of retirement of the applicant. We understand the concern of a father towards his disabled child's welfare after his expiry. It is this concern that made the applicant to approach the respondent authorities with a request to include his disabled child's name in the PPO during his life time in terms of the amended rule that came into force from 29.8.2014. Since the child is mentally challenged, the applicant does not want to make his son to run from pillar to post for payment of pension legitimately due to him. We also agree with this approach of applicant that one cannot expect a mentally disabled claimant will be in a position to approach the concerned authorities for grant of pension after the death of one's parents. If such is the situation, the applicant's request for inclusion of his disabled child's name in the Pension Payment Order during his life time is quite genuine and justified in all respects. Therefore, the respondents are not justified in not acceding to applicant's request for inclusion of his mentally disabled child's name in the PPO. In view of the foregoing facts and circumstances, we deem it appropriate to direct the respondents to incorporate necessary entries in the Pension Payment Order with respect to applicant's disabled son's entitlement for family pension. The time granted to completing the said exercise will be eight weeks from the date of receipt of a copy of the order."

(III) Further, the Department of Pension and Pensioners' Welfare, vide OM dated 01.07.2013, has clearly emphasized the need that on a request being made by an employee at any time before or after retirement/death to the Appointing Authority seeking advance approval for grant of family pension for life, to a permanently disabled child/sibling in terms of provisions contained in Rule 54 of the CCS (Pension) Rules, 1972 should be acceded to. The relevant portion of the said OM, is extracted hereunder:

"2. The matter has been examined and it has been decided that the employee/pensioner/family pensioner may, at any time before or after retirement/death of employee, make a request to the Appointing Authority seeking advance approval for grant of family pension for life to a permanently disabled child/sibling in terms of provisions contained in rule 54 of the CCS (Pension) Rules, 1972, which are reproduced as under:

Proviso (iv) to sub-rule 6 (iv): before allowing the family pension for life to any such son or daughter, the appointing authority shall satisfy that the handicap is of such a nature so as to prevent him or her from earning his or her livelihood and the same shall be evidenced by a certificate obtained from a Medical Board comprising of a Medical Superintendent or a Principal or a Director or Head of the Institution or his nominee as Chairman and two other members, out of which at least one shall be a Specialist in the particular area of mental or physical disability including mental retardation setting out, as far as possible, the exact mental or physical condition of the child;

Sub rule 10 (B): Family pension to the dependent disabled siblings shall be payable if the siblings were wholly dependent upon the Govt. servant immediately before his or her death and deceased Govt. servant is not survived by a widow or an eligible child or eligible parents.

As per the said OM, the respondents can verify the medical certificate and accordingly include the name of the disabled son of the applicant in the PPO.

(IV) Thus, in view of the observations of this Tribunal in OA No.1422/2015 and the Department of Pension and Pensioners' Welfare Memo dated 01.07.2013, the respondents are directed to include the name of the son of Applicant in the PPO, within 15 days from the date of receipt of a copy of this order.

With the above directions, the OA is allowed with no order as to costs.

**(B.V. SUDHAKAR)  
MEMBER (ADMN.)**

Dated, the 16<sup>th</sup> day of July, 2019

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