
(2025) 01 CAT CK 1531

In the Central Administrative Tribunal, Allahabad Bench, Allahabad

Case No : Original Application No. 901 Of 2023

Bimla Devi Sonker

APPELLANT

Vs

Union Of India Through General Manager Northern Railway
Baroda House, New Delhi. & Ors.

RESPONDENT

Date of Decision : 02-01-2025

Acts Referred:

Administrative Tribunals Act, 1985 — Section 19
Code Of Criminal Procedure, 1973 — Section 125

Citation : (2025) 01 CAT CK 1531

Hon'ble Judges : Om Prakash VII, Member (J)

Bench : Single Bench

Advocate : Abhinav Tripathi, Suraj Singh

Final Decision : Allowed

Judgement

Om Prakash VII, Member (J)

1. Present Original Application has been filed under Section 19 of the Administrative Tribunals Act, 1985, seeking the following relief:

"8.1 to issue a writ, order in nature of certiorari quashing the impugned order dated 24.09.2022 passed by the respondent no.4.

8.2. to issue a writ, order or direction in nature of mandamus commanding the respondents to grant the family pension along with arrears to the applicant, as this Hon'ble Tribunal have been pleased to passed the order dated 12.10.2022 passed by this Hon'ble Tribunal in Original Application No.330/00731 of 2022 Bimla Devi Versus Union of India & Ors.

8.3 to issue a writ, Order or direction in nature of mandamus commanding the respondents to give interest at the rate of 18% per annum for making the delay payment of pension.

8.4 Issue any other suitable order as this Tribunal may deem fit and proper

under the facts and circumstances of the case.”

2. Brief facts of the case are that the applicant claims to be the widow of Late Ram Kishan Sonkar who was an employee in the respondents’ department and was drawing pension from the date of his retirement but after his death, family pension is not being paid to the applicant. The applicant’s late husband was earlier married to late Sarla Devi and after her death, he married the applicant on 19.05.1978. The applicant’s late husband had two children with his first wife- one son and a daughter- who are married. Late Ram Kishan Sonkar had left the applicant along with one son at her father’s house. A case No.15/84 was filed by the applicant before the Judicial Magistrate Allahabad under section 125 of CrPC for maintenance allowance on 03.11.1984. Vide order dated 06.02.1986, maintenance allowance of Rs.200 for the applicant and Rs. 75 for her son was allowed by the Court. Late Ram Kishan Sonkar died on 24.04.2021 and the applicant submitted an application to the respondents for granting the family pension on 15.02.2022. An O.A. No./731/2022 was also filed by the applicant which was decided on 12.10.2022 with the direction to the respondents to decide the representation of the applicant dated 15.02.2022.

3. I have heard the learned counsel for the parties.

4. Submission of learned counsel for the applicant is that the applicant, being the widow of the deceased pensioner of the department, is entitled for family pension as per the Family Pension CCS Pension (Rules) 1972, sub para (II) of para 13. He states that although the applicant was living separately but she was being granted the amount of maintenance and Late Ram Kishan Sonkar had never divorced the applicant. The verifications of the applicant and details of the claim of family pension have been completed through proper process by the Chief Personnel/ Welfare Inspector, thus, the formalities have been completed and the applicant should be granted family pension.

5. Submission of learned counsel for the respondents is that during the service period and at the time of retirement, Late Ram Kishan Sonkar did not give the name of the applicant as his wife nor included her name in any family details in any railway document. The deceased employee took railway pension for 24 years but he never gave any information about his wife Smt. Bimla Devi to the office due to which the family pension was not issued after the death of the employee.

6. I have considered the rival contentions of learned counsel for the parties and perused the entire documents on record.

7. Vide letter dated 24.09.2022 (Annexure A-1), on the subject of the applicant’s application for family pension, the respondents have replied as under:

8. It is evident from the record that the applicant had filed a case under section 125 of CrPC against the deceased employee before the competent magistrate and it was allowed fixing the maintenance of Rs.200 per month in favour of the applicant against the late employee. Thereafter, the applicant’s husband Late

Ram Kishan Sonkar died. Then the applicant applied for family pension. Earlier she had also approached before this Tribunal through O.A./731/2022 which was disposed of directing the respondents to decide the representation of the applicant. It is also evident from the record that enquiry has been made on the representation of the applicant by the respondents which would be clear from Annexure No.A-3. Vide letter dated 24.09.2022, the respondents have insisted on documents to be submitted at the end of the applicant. It is clarified at this stage that service records of Late Ram Kishan Sonkar would be available with the respondents. If he had not submitted any details of the applicant in his service record or at the time of retirement or after retirement when he was receiving the pension, then also the applicant cannot be deprived of her legal rights. The respondents ought to have made a detailed enquiry in this respect and passed appropriate orders. Instead, they are insisting on documents from the applicant. If there is a specific plea of the applicant that she had filed one maintenance application under section 125 of CrPC and it was allowed in her favour against the late employee, then this fact also should have been taken into consideration by the respondents. Thus, I am of the considered view that without insisting on any documents at the end of the applicant, the respondents should start the process for grant of family pension in favour of the applicant after making thorough enquiry. If it is established that the applicant is the legally wedded wife of Late Ram Kishan Sonkar, and there is no other claimant (first wife of Late Ram Kishan Sonkar had died), then family pension in favour of the applicant should be granted.

9. In view of the aforesaid discussion, the O.A. is liable to be allowed. Thus, the O.A. stands allowed and the respondents are hereby directed to make thorough enquiry about the entitlement of the applicant for grant of family pension and pass specific order without insisting on any documents from the applicant except the documents related to establishment of her claim of being the legally wedded wife of the deceased employee i.e Late Ram Kishan Sonkar. The said exercise should be completed within a period of four months from the date of receipt of a certified copy of this order.

10. All associated M.A.s also stand disposed of accordingly. No costs.