
(2019) 09 CAT CK 0027

In the Central Administrative Tribunal

Case No : Original Application No. 4141 Of 2017

Satendra Pal

APPELLANT

Vs

Union Of India & Others Through

RESPONDENT

Date of Decision : 06-09-2019

Acts Referred:

Citation : (2019) 09 CAT CK 0027

Hon'ble Judges : Nita Chowdhury, Member (A)

Bench : Single Bench

Advocate : AK Bhakt, Subhash Gosai

Final Decision : Allowed

Judgement

1. The applicant has filed this OA, seeking the following reliefs:-

"(i) quash and set aside the impugned order No.54 A S P/1631/1/PC dated 24.04.2017 and direct the respondents to consider family pension to applicant since the date of entitlement.

(ii) To direct the respondents to release the family pension to the applicant with reasonable interest for the period of delay payment.

(iii) To direct the respondents to produce the entire relevant records pertaining to this case before the Hon'ble Court for proper adjudication.

(iv) To award exemplary cost on the respondents for causing undue harassment.

(v) To pass any further relief or reliefs as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

2. It is the case of the applicant that after the death of his father on 25.06.1999, the applicant was dependent on his mother who was getting family pension and who also died on 08.01.2017. It is submitted that the applicant made a representation dated 22.07.2017 praying for family pension on the ground of disability which was rejected by the respondents vide their order dated

24.04.2017 on the technical ground that late father of the applicant had not submitted handicapped certificate of the applicant at the time of his retirement. Being aggrieved by this impugned order of the respondents, the applicant has filed the present OA.

3. In reply to the OA, the respondents have filed their reply in which they have submitted that deceased father of the applicant had retired from service in the year 1999 and the disability certificate submitted by the applicant in the year 2004. They have further contended that his case was not considered by the department since he was not shown as handicapped child in the service records of the his late father. They have submitted that the case of the applicant was considered at appropriate level and his case is being processed for family pension. They have further submitted that in this regard, a letter on 06.06.2018 followed by a reminder was forwarded to the applicant to provide the necessary documents required for processing of his family pension, but no reply has been received from applicant. They have also submitted that as soon as required document is received, the case for family pension will be processed immediately as per pension rule.

4. After hearing both the parties and pursuing the record, we find that during the pendency of this OA, the respondents have issued the order No.54ASP/1665/53/PF/PC dated 06.09.2019 which reads as under:-

"1. It is requested that further necessary action regarding your family pension may please be taken as advised PCDA(P) Allahabad letter No.G-1/C/MISC/FP/V dated 15 Mar 18. (Copy attached)

2. It is also requested to complete the relevant papers mentioned in above quoted letter Para 1 *ibid*. Your early action is required for your pension case."

5. We also notice that the disability certificate was issued by the Office of the Medical Chief Officer on 30.02.2004 which is the competent authority to issue such certificate and that the respondents have themselves admitted that the case of the applicant for family pension will be processed immediately after submitting the required documents from the applicant. We have also noticed that the applicant has submitted all the required documents as shown from Annexure Rej./1(colly.). Hence, in view of the factual position, the respondents are directed to process the claim of the applicant for family pension by taking into account the disability certificate submitted by him, within a period of 90 days from the date of receipt of a copy of this order, in accordance with the law.

6. With the above directions, the OA is allowed. No order as to costs.