

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1794 of 2019

Bipin Kumar, son of late Surjoo, Resident of Village-Etarahi, Post-Etarahi, Via Jamalpur, District -Munger (Bihar).

... .. Petitioner/s

Versus

1. The Union of India through the General Manager Eastern Railway, 17, N.S. Road, Kolkata-700001.
2. The Chief Personnel Officer, Eastern Railway, 17, N.S. Road, Kolkata 700001
3. The Financial Adviser and Chief Accounts Officer, Eastern Railway, 17, N.S. Road, Kolkata-700001.
4. The Chief Workshop Manager, Eastern Railway, Jamalpur, Dist.-Munger (Bihar)
5. The Deputy Chief Financial Officer, Workshop, Eastern Railway, Jamalpur, District-Munger, (Bihar)
6. The Assistant Personnel Officer, Workshop, Eastern Railway, Jamalpur, District-Munger, (Bihar).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Munna Pd Dixit (M.P. Dixit)
Mr. S. K. Dixit, Advocate
Mr. Sanjay Kumar Choubey, Advocate
Mrs. Swajtika, Advocate
Mr. Shailendra Kumar, Advocate

For the Respondent/s : Mr. Satyawart Verma, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 04-02-2019

Heard learned counsel for the petitioner.

The petitioner is the son of late Surjoo. He was a Railway employee and after his death, his widow was getting family pension. A dispute arose with regard to grant of certain



additional amount enhanced on account of certain Circulars applicable.

The recipient Smt. Ramrati Devi died on 29th September, 2016. She was receiving family pension in view of the declaration filled up by her when her husband had died in 1986. The said declaration form was on record that was brought forward by the Railway authorities.

The petition before the Central Administrative Tribunal was filed by the petitioner in the year 2017 which obviously is after the death of his mother. In this Original Application filed before the Central Administrative Tribunal, the petitioner started claiming that the date of birth of his mother was 01.01.1915 and, therefore, in view of having crossed the age of 80 years, she was entitled to the enhanced amount of pension. For this reliance was placed on an AADHAR Card, extract the photostat copy whereof has been filed along with the present petition as well. It is not clear from the record as to when the aforesaid AADHAR Card was generated, but on the strength thereof it appears that a life certificate was also obtained stating that she was alive as on 04.04.2016. Thus, in the year 2016, late Ramrati Devi, according to the petitioner, had crossed the age of 101 years. The petition, as indicated above, seeking such relief of enhanced amount was filed



by the petitioner, and not by Ramrati Devi during her life time. It is in the petition before the Railway authorities that the stand was taken about the date of birth which was countered by the Railway authorities on the strength of the declaration form referred to hereinabove.

There is no indication nor any denial of the particulars filled up in the declaration form. The contention is that she was an illiterate lady and she had only put up her thumb impression on the same, but there is no averment about the declaration form being either interpolated or manipulated or containing any incorrect entry or endorsement.

The Central Administrative Tribunal has proceeded to disbelieve the claim set up on the strength of the date of birth as disclosed by the petitioner through the AADHAR Card and it has relied on the declaration form and the date of birth 25th of August, 1927 as stated therein.

Learned counsel contends that the Tribunal has committed an error in not considering the evidence which was on record and even otherwise learned counsel has relied on the communication sent by the Chief Works Manager, Eastern Railway, Jamalpur, dated 6th of December, 2011 to contend that the authorities themselves have accepted the non-availability of any



particulars relating to the status of the family of the deceased employee and the date of birth of his widow. It is, therefore, submitted that if there was no material before the Railways with regard to the date of birth of Ramrati Devi as indicated in the year 2011, then the presumption is that in the absence of any material to the contrary the date of birth as recorded in the AADHAR Card should be accepted.

It is also contended that an order was also issued on 16th of February, 2013 for accepting the said claim and consequently even during the life time of late Smt. Ramrati Devi she was found entitled for the additional amount of pension as enhanced under the Circulars.

We have considered the submissions raised and we find no valid explanation by the petitioner to the document of declaration which records the date of birth of Ramrati Devi as 25.08.1927. The said document having not been successfully rebutted, the Tribunal, in our opinion, did not commit any error by relying on the same.

Coming to the information rendered in the year 2011, it appears that some information was sought from the Pass Section and the reply given was that no such details about declaration of



the family is available for the years 1961 and 1971. It is not an information indicating that the declaration form was not existing.

Coming to the order dated 16th of February, 2013, it is strange that if such an order had been passed, Ramrati Devi nowhere made any effort to seek a direction from the Tribunal during her life time for such payment.

In the background above, we seriously doubt the genuineness of the AADHAR Card, date of birth as recorded and not only this we find that an attempt has been made by the petitioner to overcome the correctness of the date of birth of his mother which was admitted to her in her own declaration form.

We, therefore, do not find any legal error much less a factual error in the findings recorded by the Central Administrative Tribunal. Consequently, no case is made out for interference.

Rejected.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

Sunil/-

AFR/NAFR	
CAV DATE	
Uploading Date	05.02.2019
Transmission Date	

