

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.6994 OF 2019

[Smt. Rakshita Meshram - widow, d/o Late S.M. Meshram .vs. Union of India and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri C.L. Deharia, Advocate for the petitioner.
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CORAM : SANDEEP K. SHINDE AND
MRS. VRUSHALI V. JOSHI, JJ.

DATE : 05/12/2022.

The petitioner is a daughter of deceased railway employee, who superannuated on 30.06.1993 and later passed away on 10.07.2014. Petitioner's mother predeceased her father. When her father passed away, she was married and her husband was stated to have been under the treatment of grave medical condition. Her husband passed away on 28.10.2014. In these circumstances, the petitioner claims, she being dependent of deceased, is entitled to receive the family pension.

2. Petitioner's claim to Family Pension was turned down by the respondents. Whereafter she approached the Central Administrative Tribunal. Learned Member, after perusing the various orders and the instructions issued by the respondents, held that since the family pension is a privilege, as extended to various family members under specific circumstances, the provisions have to be strictly interpreted and as such, held that in terms of administrative orders and clarification issued thereto, the petitioner is not entitled to the benefit of family pension. Feeling aggrieved by the order dated 05.06.2018

passed by the Central Administrative Tribunal, the petitioner has approached this Court.

3. Heard the learned counsel for the petitioner. Perused the impugned order and office memorandums dated 28th April, 2011 and 18th September, 2014 issued by the Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Pension & Pensioners' Welfare. These two memorandums clarify the entitlement and eligibility of widowed/divorced daughters to claim and receive Family Pension.

4. In terms of these memorandums, if daughter becomes divorcee or widow during the period when the pension/family pension was payable to her father/mother, such a daughter, on fulfillment of other conditions, shall be entitled to family pension. In view thereof, widowed daughter, who was leading married life at the time of death of her father/mother, whoever died later, was ineligible for Family Pension.

5. In the case at hand, when the petitioner's father had passed away, she was neither divorcee nor widowed daughter and, therefore, the rejection of her claim to the family pension, has been correctly declined by the learned Member of the Central Administrative Tribunal. As such there is no error in exercise of jurisdiction. The petition is therefore deserves no consideration and therefore, it is rejected.