



W.P.No.19829 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 03.06.2025

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.No.19829 of 2025
and
W.M.P.No.22327 of 2025

1.Union of India,
Rep. by its Secretary,
Railway Board, Rail Bhavan,
New Delhi – 110 001.

2.The Financial Advisor and
Chief Accounts Officer,
S&W Personnel, Southern Railway,
Chennai – 600 003.

3.The Senior Assistant Financial Advisor,
Inventory Control, Personnel,
Southern Railway, Perambur, Chennai.

...Petitioners

vs.

A.N.Sasikala

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, to call for the records relating to the impugned order O.A.No.427 of 2023 dated 07.05.2024



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passed by the Central Administrative Tribunal, Chennai Bench, Chennai and quash the same.

For Petitioners : Mr.Samivel

ORDER

(Order of the Court was made by *M.S.RAMESH,J.*)

Heard Mr.Samivel, learned counsel for the petitioners. In view of the final order to be passed in this Writ Petition, no prejudice would be caused to the respondent and hence, notice to the respondent is dispensed with.

2. The claim of the respondent for family pension was rejected by the 3rd petitioner herein through an order dated 24.11.2022, predominantly on the ground that a residential property in which she has 50% of share, earns a monthly rent of Rs.31,000/- and since she has transferred her half share in favour of her brother after submission of the claim for family pension, it was inferred that 50% of the rent is being received by her, which exceeds the limit prescribed in the Scheme of Family Pension. When the respondent had challenged the said order before the Central

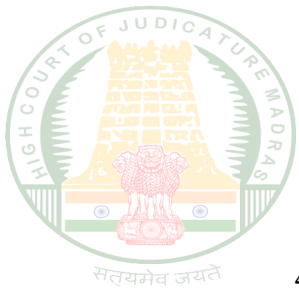


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Administrative Tribunal, Chennai Bench (hereinafter referred to as the Tribunal) in O.A.No.427 of 2023, the application came to be allowed on 07.05.2024, holding that there is no bar under the Office Memorandum dated 06.09.2007 for receipt of rental income, since the only disqualification is for income exceeding Rs.2,550/- per month from employment in Government, Private Sector and through self-employment. The further reason adduced by the Tribunal is that the respondent had already released her 50% of the property in favour of her brother and therefore, she neither has any interest on the property nor income. This order of the Tribunal is assailed in the present Writ Petition.

3. The learned counsel for the petitioner reiterated the reasoning adduced by them in the original rejection order dated 24.11.2022. According to the learned counsel, half share of the property was settled by the respondent on 03.10.2018, after submitting her claim on 31.07.2018 and therefore, she is deemed to have continued her half share property and receiving 50% of the rent, which exceeds the limit prescribed in the Scheme of Family Pension.

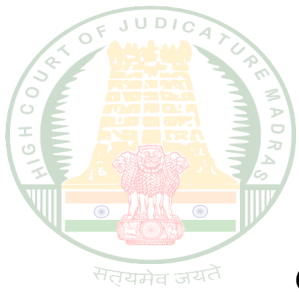


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4. It is not in dispute that an unmarried daughter of a railway employee is entitled to receive family pension. Two grounds on which her claim was rejected are that, she had settled her share of the property after submission of the claim for family pension and secondly, an inference was drawn that she continues to receive 50% of the monthly rental income of Rs.31,000/-, which exceeds the limit of Rs.2,550/- prescribed in the Scheme of Family Pension.

5. The petitioner had settled half share of the property in favour of her brother through a Release Deed No.5938 of 2018, dated 03.10.2018. She had submitted her claim petition on 31.07.2018 itself. What is crucial in matters relating to adjudication of a claim for family pension is the possession of eligible criteria on the date of consideration of the claim. In this case, though the respondent had submitted her claim on 31.07.2018, the rejection was after four years on 24.11.2022. As on the date of consideration, she already settled her 50% share in favour of her brother and therefore, she may not be entitled to receive any portion of the rental income from the property.

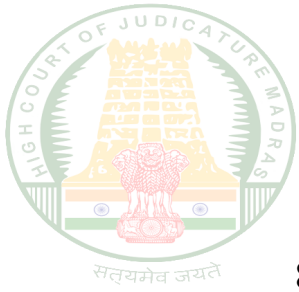


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6. We fail to understand as to how the petitioners can draw an inference that even after settlement of her half share, she continues to receive a rental share every month. Thus, rejecting the respondent's claim, on the ground that the settlement was after two months from her claim for family pension, is unjustifiable.

7. The only disqualification for an unmarried daughter to receive family pension is that she must not derive any income exceeding Rs.2,550/- per month from employment in Government, Private Sector or through self-employment, as per the Office Memorandum dated 06.09.2007. The Office Memorandum does not disqualify a claimant to receive monthly rental income. The Tribunal had taken note of this aspect and recorded that the petitioners cannot rely on the Official Memorandum for rejecting the respondent's claim for family pension. Even before us, the petitioners are unable to substantiate the alleged rental income as a disqualification for family pension. Thus, both the grounds relied upon by the petitioners in their rejection letter dated 24.11.2022, are untenable.



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8. The Tribunal had rightly set aside the rejection order and directed the petitioners to re-consider the issue, in the light of the existing Rule. There is no illegality or infirmity in such a finding.

9. In the result, the Writ Petition stands dismissed with a direction to the petitioners to comply with the order of the Tribunal dated 07.05.2024, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

[M.S.R, J.] [V.L.N, J.]
03.06.2025

Index:Yes
Speaking order
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To

The Registrar,
Central Administrative Tribunal,
Chennai Bench, Chennai.



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