



WEB COPY

W.P.No.20478 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.20478 of 2023

and

W.M.P.No.19870 of 2023

1.Union of India,
Rep. by the General Manager,
Southern Railway, Park Town,
Chennai 600 003.

2.The Chief Workshop Manager,
Loco Works, Southern Railways,
Ayanavaram, Chennai – 600 023.

3.The Assistant Personal,
O/o. The Chief Workshop Manager,
Loco Works, Southern Railways,
Ayanavaram, Chennai – 600 023.

... Petitioners

Vs.

1.The Registrar,
Central Administrative Tribunal,
Madras Bench High Court Buildings,
Chennai – 104.

2.Mrs.G.Sundari

... Respondents



W.P.No.20478 of 2023

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, calling for the records of the Tribunal in its impugned order dated 10.02.2023 in OA 1110/2021 passed by the 1st respondent, Central Administrative Tribunal, Madras Bench and its batches and quash the same.

For Petitioners	: Mr.S.Girissh For Mr.M.Karthikeyan
For R1	: Tribunal
For R2	: Mrs.R.Jaya For Mr.V.Chinnasamy

ORDER

[Order of the Court is made by **S.M.SUBRAMANIAM, J.**]

Under assail is the order dated 10.02.2023 passed in O.A.No.1110 of 2020.

2. The 2nd respondent submitted an application seeking family pension under the category of divorced daughter on 24.04.2018. The application was rejected on 15.11.2018 on the ground that the 2nd respondent is not eligible under the family pension scheme. The said order remains unchallenged.



W.P.No.20478 of 2023

WEB COPY 3. Second application was filed by the 2nd respondent on 30.01.2024.

The said application was again rejected by the writ petitioners on 02.04.2021.

The said order alone was challenged before the Central Administrative Tribunal, Chennai in O.A.No.1110 of 2021. However, the Central Administrative Tribunal suo moto quashed both the rejection orders dated 15.11.2018 and 02.04.2021, which resulted in filing of the writ petition by the Union of India.

4. The only issue is to be considered is, whether the 2nd respondent is eligible for family pension under the category of divorced daughter. A divorced daughter is eligible for grant of family pension pursuant to the office memorandum issued by the Government of India, Ministry of Personnel Grievances and Pensions, Department of Pension and Pensioners' Welfare dated 19.07.2017. Clause 4 of the office memorandum reads as under:

“4. It was clarified that a daughter if eligible, as explained in the preceding paragraph, may be granted family pension provided she fulfils all eligibility conditions at the time of death/ineligibility of her parents and still on the date her turn to receive family pension comes.



WEB COPY



W.P.No.20478 of 2023

Accordingly, divorced daughters who fulfil other conditions are eligible for family pension if a decree of divorce had been issued by the competent court during the life time of at least one of the parents.”

5. Therefore, it is made clear that a divorced daughters, who fulfils other conditions for family pension, is eligible if a decree of divorce has been issued by the Competent Court during the lifetime of at least one of the parents.

6. Let us examine the relevant dates. The Government employee, father of the 2nd respondent, died on 25.03.1996. The mother of the 2nd respondent received family pension untill her death on 23.12.2015. The divorce petition itself was filed by the 2nd respondent against her husband in O.P.No.1419 of 2016, after the death of both parents. A decree of divorce was granted by the Competent Forum on 04.10.2017, and an application seeking family pension at the first instance was filed on 24.04.2018.

7. Therefore, during the life time of the pensioner and family pensioner, the 2nd respondent was a married daughter, and only after the death



W.P.No.20478 of 2023

of both the pensioner and the family pensioner, divorce petition was filed in the year 2016. Therefore, the 2nd respondent is not eligible for grant of family pension under the Central Civil Services (Pension) Rules, 1972.

8. The Tribunal has not considered the eligibility criteria as contemplated under office memorandum dated 19th July 2017. Thus, we are inclined to interfere. Consequently, the impugned order dated 10.02.2023 in O.A.No.1110 of 2021 passed by the 1st respondent, Central Administrative Tribunal, Chennai Bench is set aside and the Writ Petition stands allowed. The connected Miscellaneous Petition is closed. There shall be no order as to costs.

[S.M.S., J.] [M.J.R., J.]
27.01.2025

Index : Yes
Speaking order
Neutral Citation : Yes

Jeni



W.P.No.20478 of 2023

To

The Registrar,
Central Administrative Tribunal,
Madras Bench High Court Buildings,
Chennai – 104.



WEB COPY



W.P.No.20478 of 2023

S.M.SUBRAMANIAM, J.
AND
M.JOTHIRAMAN, J.

Jeni

W.P.No.20478 of 2023

27.01.2025