

Court No. - 1

Case :- WRIT - A No. - 6770 of 2025

Petitioner :- Smariti Srivastava

Respondent :- Union Of India Thru. Secy. Railway Rail Bhawan, Ministry Of Railways New Delhi And 2 Others

Counsel for Petitioner :- Atul Kumar Singh

Counsel for Respondent :- A.S.G.I.

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Shree Prakash Singh,J.

Heard learned counsel for the petitioner and Sri Surya Bhan Pandey, learned Deputy Solicitor General of India assisted by Sri Varun Pandey learned counsel appearing for Union of India.

The present writ petition has questioned the legality of the judgement rendered by Central Administrative Tribunal, Lucknow Bench, Lucknow in Original Application No.89 of 2023 decided on 08.11.2024.

The rule of eligibility for family pension has been extracted in paragraph no.6.1 of the impugned judgement which reads as under:-

6.1 A perusal of office memorandum (OM) dated 19.07.2017 issued by the Department of Pension & Pensioners' Welfare (Annexure CR-1 to the counter affidavit) *inter alia* reveals the following provision relevant to the case at hand:

“Sub: Eligibility of divorced daughter for grant of family pension-clarification regarding.”

.....

6. The matter has been examined in this department in consultation with Department of Expenditure and ***it has been decided to grant***

family pension to a divorced daughter in such cases where the divorce proceedings had been filed in a competent court during the life time of the employee/pensioner or his/her spouse but divorce took place after their death - provided the claimant fulfills all other conditions for grant of family pension under rule 54 of the CCS (Pension) Rules, 1972. In such cases, the family pension will commence from the date of divorce.

....."

Appreciating the scope of rule applicable on the subject, the Tribunal has taken note of the relevant dates which are not in dispute.

In view of the undisputed dates set out in paragraph-6.3 of the impugned judgement, there was absolutely no scope for interference or grant of relief by the tribunal and finding to this effect recorded by the tribunal, in our humble consideration, does not suffer from any illegality much less than an apparent error.

The reasons recorded by the tribunal for denying the claim in our humble consideration, are just and plausible. The claim of the petitioner does not fall within the scope of rule applicable to the case at hand.

For all these reasons, no interference is called for in the impugned judgement under Article 226 of the Constitution of India.

The writ petition bereft of any merit is accordingly ***rejected***.

(Shree Prakash Singh,J.) (Attau Rahman Masoodi,J.)