IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-06-2026

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THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MRS.JUSTICE R. KALAIMATHI

Writ Petition No.22887 of 2023
and
W.M.P.No.22361 of 2023

1. Union of India
   represented by
   The General Manager,
   Southern Railways, Park Town,
   Chennai – 600 003.

2. The Chief Personnel Officer,
   Southern Railways,
   Park Town, Chennai – 600 003.

..Petitioners

Vs

1. The Registrar,
   Central Administrative Tribunal,
   Chennai Branch, Chennai.

2. Uma Maheswari,
   W/o.Late.R.Narayanan

..Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari calling for the records to quash the order dated 08.09.2022 of the first respondent herein in OA/310/00838/2021 on the file of the Central Administrative Tribunal, Chennai Bench.

For Petitioners : Mr.A.S.Vijaya Ragavan
Standing Counsel

For Respondents : Tribunal [R1]
Mr.L.Chandrakumar [R2]

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ORDER

(Made by S.M.Subramaniam J.)

Under assail is the order of the Central Administrative Tribunal, Chennai Bench, dated 08.09.2022 passed in O.A.No.838 of 2021.

2. Union of India, Southern Railways, preferred the present writ petition mainly on the ground that the dearness relief on the date of death of ex-employee late V.Subramanian i.e. 22.11.2016 was 2% only and his daughter, who is earning more than Rs.9,000/- p.m. is not eligible for family pension under the Pension Rules in force. Since the said ground was not considered by the Central Administrative Tribunal, the Union of India preferred the present writ petition.

3. The second respondent/applicant before the Central Administrative Tribunal is the widowed daughter of late V.Subramanian, who had retired as Personal Assistant to the Chief Track Engineer, Southern Railway, on 30.09.1989 and he died on 22.11.2016. The mother of the second respondent pre-deceased her husband on 31.12.1987 and the husband of the first respondent died on 01.05.2007. The claim of the second respondent for grant of family pension was rejected *vide* letter dated 13.03.2020 on the ground the she was having regular income more than the minimum pension of Rs.9,000/- + dearness relief. However, the Central Administrative Tribunal has not

considered the said fact and granted family pension by allowing the original application.

4. The Family Pension Scheme as applicable to the widowed daughter of the Railways Department employees would show that family pension to a widowed daughter is to be granted provided the widowed daughter is not having a regular income more than the minimum pension of Rs.9,000/- + Dearness Allowance.

5. In the present case, a verification has been undertaken by the Railway Authorities pursuant to the directions issued by this Court. After verification, a sworn affidavit was filed by the Deputy Chief Personal Officer/Industrial Relations and Welfare, Headquarters Office, Personnel Branch, Southern Railway, Chennai. Paragraph Nos.5 and 6 of the said affidavit read as under:

> *"I humbly submit that in terms of Explanation 4 under Rule 75(6) of Railway Services (Pension) Rules, 1993, a member of the family shall be deemed to be earning his/her livelihood if his/her income from other sources is equal to or more than the minimum family pension referred above and the dearness relief admissible thereon. I further submit that it was earlier clarified by the Department of Pension & Pensioners' Welfare vide Office Memorandum No.1/13/09-P&PW(E) dated 11.09.2013, which was adopted mutatis mutandis by the Ministry of Railways vide RBE No.99/2013, that "a child who is not earning equal to or more than the sum of minimum family pension and dearness relief thereon is considered to be dependent on his/her parents". In the instant case, Late V.Subramanian died on 22.11.2016. The first respondent furnished bank statements of two savings bank accounts bearing Nos.825834495 and No.453931148 from March 2019 to August 2019, wherein it was seen that, the first respondent earned the following income as Dividends, interests, etc.*

Month/Year	*Income (in Rs.)*		*Total Income as per the Two Bank Statements*
	Savings Bank Account No.825834495	*Savings Bank Account No.453931148*	
March 2019	*2,939*	*44,155*	*47,094/-*
April 2019	*1,901*	*10,938*	*12,839/-*
May 2019	*1,901*	*10,714*	*12,625/-*
June 2019	*1,901*	*80,762*	*82,663/-*
July 2019	*1,901*	*9,276*	*11,177/-*
August 2019	*1,901*	*8,769*	*10,670/-*

6. I humbly submit that the dearness relief on the date of the ex-employee Late V.Subramanian i.e. 22.11.2016, was 2% only. A daughter earning more than Rs.9,000 + Rs.180 Dearness Relief is not considered to be a dependent of her parents. The first respondent has failed to establish before this Hon'ble Court that she is living in indigent condition. She is presently visiting her daughter and son-in-law who are employed abroad and is not available for conducting the fact finding inquiry as directed by this Hon'ble Court. Despite this Hon'ble Court's order dated 07.01.2026 to file an affidavit disclosing the details of employment of her husband and terminal benefits including pension, as well as the details of her children, their educational qualification, nature of employment and the income presently earned by them, the first respondent has not disclosed any of the above details in her affidavit dated 12.01.2026. In fact, while filing this affidavit dated 12.01.2026, Smt.N.Uma Maheswari has suppressed receipt of substantial income in form of dividends and Interests in her savings bank account No.453931148 which had a credit balance of Rs.8,70,944/- as on 09.09.2019. It is re-iterated that collection of additional information as directed to be collected by this Hon'ble Court, would require the physical presence and co-operation of the first respondent. Alternatively, this Hon'ble Court may be pleased to direct the first respondent to file the Annual Information Statement (AIS) issued by the Income Tax department, or complete statements of her two Savings Bank Accounts from the financial year 2016-17 onwards, to prove her indigent condition before this Hon'ble Court."

6. In view of the above factual position, the second respondent is not eligible for family pension in terms of the Family Pension Scheme.

Accordingly, the order of the Central Administrative Tribunal, Chennai Bench, dated 08.09.2022 in O.A.No.838 of 2021, is set aside and the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (R.K.M.,J.)
08-06-2026

Index: Yes
Speaking order
Neutral Citation: Yes

gm

To
The Registrar,
Central Administrative Tribunal,
Chennai Branch,
Chennai.

S.M.SUBRAMANIAM, J.
and
R.KALAIMATHI, J.

gm

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