



न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF THE CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice & Empowerment

भारत सरकार/Government of India

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Case No. CCPD/14457/1024/2023

In the matter of —

Sunil K Rathore

... Complainant

Versus

The Secretary, Railway Board

... Respondent No.1

Divisional Railway Manager,
Northern Central Railway, Moradabad

... Respondent No.2

1. **Gist of the Case:**

1.1 Mr Sunil K Rathore, a person with 45% locomotor disability, filed a Complaint dated 01.04.2023 regarding a lifetime family pension after the death of his mother, Smt. Badamo Devi, who received it after the death of her husband, Shri Mishrilal Rathore, a railway employee, in 1975. She was receiving a family pension under PPO No. 55401 NRF until her death on 08.03.2018.

1.2 Since her passing, Sunil has had no source of income. Since 2018, he has submitted multiple applications to the Divisional Railway Manager (DRM) and also filed RTI requests, but received no response. Upon appeal under Section 6(3) of the RTI Act, the DRM Moradabad responded via letter No. 72E/15/PEN/FITTER/SPN/75 dated 02.12.2020, stating that records were not traceable due to the case being over 45 years old, and therefore, pension processing was not possible.

1.3 A Welfare Inspector (Harpreet Singh) collected neighbour testimonies

confirming Mr Rathore's lifelong disability and dependency. A pension checklist was issued but lacked crucial fields, such as the PPO number, and later Officer Sandeep Saxena objected to the date of Mr Rathore's disability certificate (04.06.2018), which was after his mother's death. Mr Rathore clarified that his condition is chronic and lifelong, and submitted a fresh certificate dated 24.08.2021 from the District Disability Medical Board confirming the same. Despite valid documents and dire financial condition (holding Antyodaya Ration Card No. 115220048726), his case remains unresolved.

2. Notice issued to the Respondents:

A notice dated 05.09.2023 was issued to the above-mentioned respondents for forwarding to this Court comments on affidavit for violation of relevant sections of the Act and Rule 50 of the CCS Pension Rules,2021.

3. Reply filed by the Respondents:

3.1 The Respondents (DRM Moradabad) in their response dated 20.12.2023 clarified that Shri Sunil Kumar's father, **Shri Mishri Lal**, died in service on **04.09.1975**, and a **Pension Payment Order (PPO No. NR/F/55401)** was issued in favour of his wife, **Smt—Badamo Devi**, who received a pension from the state treasury until her death on **08.03.2018**. The Railway stated that **Shri Sunil Kumar's name was not included in the original PPO**, nor was any request made by his late mother during her lifetime to declare him as a dependent or include his name for medical or complimentary pass benefits, which are used to establish dependency.

3.2 Additionally, the DRM highlighted that Shri Sunil Kumar's disability certificate was issued on 04.06.2018, around three months after his mother's death, and no conclusive proof of financial dependency has been submitted. The DRM further stated that, as per an internal order dated 16.06.2014 (PS No. 1666), all records prior to 1980 were weeded out, and hence no older documents are available to support Shri Sunil Kumar's claim. Therefore, based on these factors—absence of his name in PPO, lack of dependency records, delayed disability certificate, and missing historical records—the DRM concluded that the family pension claim cannot be considered.

4. Rejoinder filed by the Complainant:

4.1 The Complainant, in their rejoinder, stated 02.02.2024 that since 2018, the Moradabad Railway Division has been giving inconsistent and misleading

responses regarding their **family pension entitlement**. Initially, the railway claimed that the 45-year-old records were destroyed, then later stated that documents had been sent to the bank. Eventually, they issued a **Pension Check List**, which clearly acknowledges that disabled children are eligible for family pension.

4.2 Shri Rathour clarified that although his disability certificate was issued three months after his mother's death, it reflects a lifelong condition. As per instructions, he also underwent a fresh medical board evaluation and submitted a new certificate dated 24.08.2021.

5. Hearing:

5.1 A hearing in hybrid mode (offline/online) was conducted on 26.06.2025. The following parties/representatives were present during the hearing:

Sl.No.	Name of the Parties/Representatives	For Complainant / Respondent	Mode of Attendance
1.	Mr. Sunil K. Rathore	Complainant	Online
2.	Mr. Abhinav, DPO, Moradabad	For Respondent No.2	Online

6. Record of proceedings:

6.1 The Complainant's claim for a lifetime family pension following the death of his mother in 2018. His father, a railway fitter, passed away in 1975, after which his mother received the family pension until her death. The complainant, stating he is destitute and unable to sustain himself, has been requesting the pension since 2018 but was initially told by the First Appellate Authority that the 45-year-old case lacked available records.

6.2 The Railway Administration (Respondent) contested the claim, stating the Complainant's name was not listed in the original Pension Payment Order (PPO) and therefore he is not entitled to benefits. They also noted that his mother did not apply to include his name in dependency records, and his Disability Certificate was issued three months after his mother's death, failing to provide conclusive proof of his pecuniary dependency on her. Given these factors—the exclusion from the PPO, the suspicious timing of the disability certificate, and the lack of conclusive evidence for dependency—the Court concluded that the Complainant is not entitled to the lifetime pension and decided to close the matter.

7. Observations and Recommendations

7.1 The Complainant's claim is governed by Rule 50 (9) of the Central Civil Services (Pension) Rules, 2021 (previously Rule 54 (6) of the 1972 Rules), which are also applicable to the Railways. Under these regulations, a mentally or physically disabled child of a deceased government employee is eligible for a lifetime family pension, provided the disability renders them incapable of earning a livelihood. In applying the law to the present case, it is noted that the Complainant's disability (45% LD) is not of such severity as to prevent him from earning a livelihood.

7.2 Notwithstanding the above, the Court recommends that the Divisional Railway Manager ensure that the personnel in the Personnel and Pension Departments (DPO/MB) undergo mandatory sensitisation and training on the provisions of the RPwD Act, 2016, and the relevant CCS/Railway Pension Rules regarding PwD benefits. The training must specifically clarify that "inability to earn a livelihood" is a functional and economic test, not solely a percentage-based medical test.

7.3 After considering both sides, the Court found the Complainant's eligibility questionable due to the absence of his name in the PPO and the late issuance of his disability documentation. The Court expressed reservations, finding the Disability Certificate and UDID card to be doubtful and requiring additional scrutiny. Given the lack of definitive evidence supporting the matter, the required criteria of disability and dependency, the Court concluded that the Complainant was not entitled to the lifetime pension and decided to close this case.

8. The case is disposed of accordingly.

(S. Govindaraj)

Commissioner for Persons with Disabilities