

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00138/2019

DATED THIS THE 8TH DAY OF JANUARY 2020

HON'BLE SHRI CV.SANKAR MEMBER (A)

Hanumanthappa,
S/o late Mohan Subba Rao,
Aged 33 years
Occ:Nil,
R/o Nagendranamatti,
Behind Urdu School,
5th Cross, Haveri,
Dist: Haveri, 581 110

....Applicant

(By Shri Vinodkumar PM..... Advocate)

Vs.

1. The Union of India
Railway Department,
Shastri Bhavan,
New Delhi. 110011.

2. The Senior Divisional Railway Manager,
South Western Railway,
Mysore 570 001.

3. The Senior Divisional Personnel Officer,
South Western Railway Mysore,
Mysore 570 001.Respondents

(By Shri J.Bhaskar Reddy, Railway Standing Counsel)

ORDER (ORAL)SHRI CV.SANKAR : MEMBER (A)

1. Heard. This is a peculiar case where the concerned government servant died in the year 2007 while in service. He had a first wife by name Smt Shoba who was divorced in the year 1995 and Smt Sunanda was the 2nd wife and this marriage was held on 23.8.1996 vide copy of the marriage certificate issued by Marriage Registrar, Kundagal. As per the family composition certificate up to 1.1.1996 Smt Shoba was only shown as wife of the ex-employee and thereafter Smt Sunanda has been shown as wife of the ex-employee. Smt Sunanda has been given compassionate ground appointment on the demise of the applicant's father, but she had not accepted and wanted compassionate ground appointment in favour of her son namely Hanumanthappa, applicant in this OA. The date of birth of the applicant is shown as 17.6.1985 on which date applicant's father had not divorced his first wife Smt Shoba and the marriage between them was in existence.

2. The respondents have also brought in the extract rule of RBE No.1/92 stating that "In case of Railway employee dying in harness etc, leaving more than one widow along with children born to the 2nd wife, while settlement dues may be shared by both the widows, appointments on compassionate grounds to the second widow and her children are not to be considered unless the Administration has

permitted the second marriage, in special circumstances, taking into account the personal law etc.”

3. The respondents have also stated that the Tribunal has been approached after expiry of more than 10 years. On both these counts application is sought to be dismissed. Considering the above, we find there is no merit in the OA. OA is dismissed. No order as to costs.

(CV.SANKAR)
MEMBER (A)

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Annexures referred to by the Applicants in OA No.138/2019

Annexure-A1: Copy of letter dated 8.4.2007

Annexure-A2: Copy of letter dated 31.7.2007

Annexure-A3: Copy of service certificate of the deceased dated 30.11.2007

Annexure-A4: Copy of PPO dated 30.11.2007

Annexure-A5: Copy of requisition letter dated 16.2.2008

Annexure-A6: Copy of rejection letter by R-3 dated 28.1.2009

Annexure-A7: Copy of letter from applicant No.1 to R-3

Annexure-A8 :Copy of marks list of applicant No.2

Annexures referred in reply

Annexure-R1: Copy of Railway Board letter dated 2.1.1992

Annexure-R2: Copy of letter dated 14.12.2018

Annexure-R3: Copy of Railway Board letter dated 21.3.2018

Annexures referred in rejoinder

Annexure: Copy of order in CA.No.12016/2018

Annexure: Copy of order in WP.No.10458/2016

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