

**Central Administrative Tribunal
Madras Bench**

OA/310/00185/2019

Dated the 28th day of February Two Thousand Twenty

P R E S E N T

Hon'ble Mr. P.Madhavan, Member(J)
&
Hon'ble Mr.T.Jacob, Member(A)

Mrs.Victoria Aruldoss,
Plot No.14, Victoria Garden,
Paventer Bharathidasan Salai,
Madipakkam,
Chennai 600 091. .. Applicant
By Advocate **M/s.C.Daniel & Gladys**

Vs.

1. The Secretary Railway Board,
Federation of Railway,
Officer's Association Office, 256-A,
New Delhi 110001.
2. The General manager's Office,
Southern Railway-Personnel Branch,
Chennai 600 003.
3. The Dean,
Perambur Railway Hospital,
Police Salai, Ayanavaram,
Chennai 600 023.
4. Mrs.Adlin Mannah,
W/o late Dr.Anil Lionel,
No.603/2, Railway Quarters,
Police Salai, Ayanavaram,
Chennai 600 023. .. respondents

By Advocate **Mr.M.T.Arunan, Mr.Y.Prakash (R1-3), M/s.L.Chandra Kumar (R4)**

ORDER

[Pronounced by Hon'ble Mr.P.Madhavan, Member(J)]

The above OA is filed seeking the following relief(s):-

“to set aside the order dated 05.11.2018 passed by the 2nd respondent and direct the respondents 1-3 not to sanction the terminal benefits of the applicant's deceased son Dr.Anil Lionel to the 4th respondent pending disposal of the investigation into the death of late Dr.Anil Lionel who was an employee of the 3rd respondent and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case and thus render justice.”

2. The brief facts of this case is as follows:-

The applicant is the mother of deceased Railway servant Anil Lionel. Respondents 1 to 3 are the Official Respondents and the 4th respondent is the wife of the deceased Anil Lionel. The deceased Anil Lionel was an Anaesthetist in the Railway Hospital. He died on 06.10.15 and he had 11 years of service as Doctor in the R3 Hospital. The deceased Anil Lionel was married to R4 in the year 2007. But their relationship according to the applicant was not smooth. They had no issues in the marriage. According to the applicant, the cause of death was not suicide. She believes that R4 was instrumental in causing the death of the deceased. She had filed Writ OP before the Hon'ble High Court alleging the involvement of R4 and seeking investigation. The CBCID had taken up the investigation, but it was referred by the Police. She had filed a Protest Complaint before the Magistrate Court, Saidapet and it is still pending. R4 is trying to receive all the retiral benefits of deceased Anil

Lionel eventhough R4 had caused his death. So, the applicant seeks to set aside the order of R2 sanctioning terminal benefits to R4.

3. R1 to 3, the Official respondents raised an objection stating that the OA is not maintainable in the Tribunal. The Tribunal can adjudicate only disputes and complaints with respect to recruitment and conditions of service of persons appointed to Public Services. According to them, the Tribunal is constituted for a specific purpose and it cannot entertain complaints from any person. The applicant is not a public servant and the dispute raised is a dispute relating to the terminal benefit to be paid to the family of the deceased person. The Tribunal has no jurisdiction to decide whether R4 had caused death of the deceased. There is no charge sheet filed alleging that R4 had caused the death of the deceased.

4. Rule 72 of the Railway Services (Pension) Rules, 1993, debarring of terminal benefit can be done only if the person is charged for murder or abetting the commission of murder of the deceased.

5. Here there is no charge filed so far and the terminal benefits cannot be kept suspended indefinitely. So, according to the Official respondents, it is a dispute between the applicant, the mother of the deceased and daughter-in-law and not a dispute which can be adjudicated by the Tribunal.

6. R4, the wife of the deceased, also filed reply objecting to the maintainability of this OA. According to her, she alone is eligible to receive the benefits of deceased

Anil Lionel under Rule 71 of the Railway Services (Pension) Rules. According to her, the police had referred the case treating death of husband as suicide and there is no charge sheet pending against her.

7. We had anxiously heard the counsels appearing on both sides. On a perusal of pleadings, it can be seen that the applicant is the mother of deceased Anil Lionel. Even according to the applicant, the relation with R4 after marriage was strained and she had filed petitions alleging that R4 and others had committed murder of the deceased Dr. Anil Lionel. Rule 72 says that if the deceased was murdered by the wife, she is not entitled to get the terminal benefits of deceased under Rule 71. This has to be proved before a Criminal Court and only if there exists a charge, the right of R4 to get gratuity etc. can be suspended. Here the applicant is the mother and the mother has no right to get the benefits as the wife of the deceased is alive. So, mother cannot raise a dispute against the wife before the Administrative Tribunal as she cannot make a claim at present. Since there is no charge pending, she has also no right to file a case for suspending her rights. As per rules, the family of a Railway servant means,

- (1) Wife or wives judicially separated wife or wives in the case of a male Railway Servant.
- (2) Husband including judicially separated husband in the case of a female Railway Servant.
- (3) Sons including step-sons and adopted sons.
- (4) Unmarried daughters including step-daughters and

adopted daughters.

(5) Widowed daughters including step-daughters and adopted daughters.

(6) Father including adopted parents in the case of individuals whose personal law permits adoption.

(7) Mother.

(8) Brother below the age of 18 years including step-brothers.

(9) Unmarried sisters and widowed sisters including step-sister.

(10) Married daughters; and

(11) Children of pre-deceased son.

8. In this case, a permanent debarring can be done only if the wife of the deceased is convicted on a charge of murder of the deceased husband.

9. In this case, the police had registered a crime and they had conducted investigation and even according to the applicant, they had referred the case as suicide. So, prima facie there appears to be no material to debar R4 from receiving the gratuity. A third party cannot approach the Administrative Tribunal seeking the relief in these type of cases as they are not having a right under AT Act. It is for R1 to 3 to take a decision as to R4 has to be debarred from getting terminal benefit. The applicant could have approached the Civil Court for getting the relief sought. So, we find that the applicant has failed to make out a case for granting the relief by this Tribunal. This Tribunal has no jurisdiction to decide the dispute between the mother

and daughter-in-law. We also find that there is no prima facie material to show that R4 has committed murder also.

10. Hence, we find that OA lacks merits and it will stand dismissed. No costs.

(T.Jacob)
Member(A)

28.02.2020

(P.Madhavan)
Member(J)

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