



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

O.A.No.350/511/2019

CHHAKINA BIBI @ SAKHINA BIBI,
wife of Late Noor Ali Khan, Village-Dakshin
Durgapur, P.S.-Labpur, District –Birbhum,
at present residing at village-Nimrah,
P.O.-Kirnahar, P.S.-Nanoor,
District: Birbhum, Pin-731302

.....Applicant

-VERSUS-

1. Union of India, service through the
Secretary, Ministry of Railway, Rail Bhawan,
New Delhi – 110 001;
2. The General Manager, Eastern Railway,
Eastern Region, Kolkata-700 001;
3. The Accounts Officer(Pension),
Eastern Railway, Fairlie Place,
Kolkata-700 001;
4. The Divisional Railway Manager,
Eastern Railway, Howrah Division,
P.O. Howrah, Howrah – 711 101

.....Respondents



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

No.O A.350/511/2019

Date of order : 03.02.2020

**Coram : Hon'ble Mrs. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member**

**CHHAKINA BIBI @ SAKHINA BIBI
VS.
UNION OF INDIA & OTHERS
(EASTERN RAILWAY)**

For the applicant : Mr. H. Mondal, counsel

For the respondents : Mr. A.K. Das Gupta, counsel

ORDER

Bidisha Banerjee, Judicial Member

The applicant in this O.A. has sought for the following reliefs:-

- "(a) Direction be given upon the Respondents to disburse death benefits accrued on the death of Noor Ali Khan, deceased husband of the Applicant on the basis of the order passed by this Hon'ble Tribunal in O.A.No.514 of 2013 and also the consent of all the legal heirs signified by affidavit dated 10.09.2014, to the applicant and others within a specified period, by quashing the order communicated vide letter dated 04.10.2018;*
- (b) Direction be given upon the respondents to produce the records relating to the case before this Hon'ble Tribunal so that conscionable justice may be administered;*
- (c) Delay, if any, in preferring this application may be condoned considering the facts and circumstances of the case for ends of justice;*
- (d) Such further and other order or orders, direction or directions may be passed so as to this Hon'ble Tribunal may deem fit and proper."*

2. The impugned order dated 04.10.2018 as communicated by the Divisional Personnel Officer for Divisional Railway Manager, Eastern Railway, Howrah is as under:-



EASTERN RAILWAY, HOWRAH

No.E/16/Pen/Engg/76-07 Dated: 1/11/18

1. Sri Saukat Ali Khan
S/O-1st wife Mehannagar Bibi
Vill. Gopalpur, P.O. Haraipur
Dist. Birbhum, Pin-731102, WB

2. Smt. Manoja Bibi
S/O-1st wife Mehannagar Bibi
Vill. Kafarpur, P.O. Haraipur
Dist. Birbhum, Pin-731102, WB

3. Smt. Chhakina Bibi @ Sakhina Bibi
Vill. Nandipur, P.O. Haraipur, Dist. Birbhum, Pin-731102, WB

Sub: Settlement of Lt Noor Ali Khan Ex-Gateman/PWI/KWAE/NG died on 16-03-2007

Ref: OA No.1514 of 2013 CAT/CAL Chhakina Bibi vrs U.O.I. and others

RLY Advocate

It is to inform that S. O. has opined that as dispute arises regarding genuity of legal heir ship between the heirs of 1st wife Mehennagar Bibi and 2nd wife Chhakina Bibi @ Sakhina Bibi who are required to obtain their respective Succession Certificate from the Competent Court of Law

Out of these person(s) whoever will be able to obtain Succession Cert from the Competent Court of Law, will be treated as legal heir/heirs of said Noor Ali Khan

The Amount payable settlement dues (after due vetting from finance Department (HWH) are appended below.

- | | |
|------------------|-------------|
| 1. PF- | Rs.22468/- |
| 2. DCRG- | Rs.112824/- |
| 3. LEAVE SALARY- | Rs.14416/- |
| 4. GIS- | Rs.27768/- |

Besides Family Pension @4935/- from 17-03-2007 to 31-12-2015
@11398/- from 01-01-2016 to 16-03-2017 (Plus Relief)
and @9000/- from 17-03-2017 to death /Re-marriage which is earlier.

[Signature]
Divisional Personnel Officer
For Divisional Railway Manager
Eastern Railway Howrah

3. The applicant has challenged the order on the ground that the marital status of the applicant has already been determined by the competent court and, therefore, the applicant who is suffering from 2007 should be paid the settlement dues of the deceased employee at the earliest.

4. The respondents have filed a reply to contend that the employee Noor Ali Khan married Chhakina Bibi on 22.05.1988 as per Muslim



Personal Law while his first marriage with Mehernagar Bibi was subsisting. Noor Ali Khan married for 3rd time to Farida Bibi during subsistence of his earlier two marriages and Farida Bibi was actually a hindu lady named Sandhya Rani Das who changed her religion and married to Noor Ali Khan leaving her earlier husband, Gidhan Das without obtaining any legal separation. The deceased employee did not take permission from the competent authority to conduct second and third marriages. In terms of Rule 21 of Railway Services(Conduct) Rules, second and third marriage of ex employee are void. The first wife Mehernagar Bibi pre-deceased the employee leaving behind one son, Saukat Ali Khan and one daughter, Moneja Bibi.



5. The respondents in order to settle the rival claims asked for Succession Certificate from competent court of law. The respondents have also submitted that this Tribunal is not the competent forum to determine who the legal heirs are. Further that, the employee had nominated his 3rd wife Farida Bibi and Saukat Ali, his son out of first wedlock, to the extent of 100% of the retiral benefits without mentioning the name of the applicant in the railway records.

6. We considered the rival contentions as in the pleadings and the records and in view of the fact that the employee had not nominated the present applicant, we find no infirmity in the order under challenge.

7. Accordingly the O.A. is dismissed with liberty to the parties to act in accordance with the letter dated 04.10.2018 and with a direction

upon the respondents to issue orders in accordance with law. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

sb

