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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

O.A. No.350/ 1724 of 2019

M.A. No. 350/1021/2019

1. Jharna Das, wife of Umesh

Chandra Das, aged about 46 years,

by occupation Housewife.

✓ Who worked as Signal man, Employee no-12404155361.

2. Pinky Das, daughter of Umesh

Chandra Das, aged about 25 years,

by occupation Unemployed.

Both residing at Kamarthuba, P.O. &

P.S. Habra, District North 24-

Parganas, Pin-743263.

... APPLICANTS

V E R S U S

1. Union of India through the

General Manager, N.F. Railway,

Maligaon, Shuttle Road, East

Maligaon, Guwahati, Pin-781010.

2. Principal Chief Personnel Officer,

N.F. Railway, Maligaon, Shuttle

Road, East Maligaon, Guwahati, Pin-

781010.

B

3. Chief Vigilance Officer, N.F. Railway, Maligaon, Shuttle Road, East Maligaon, Guwahati, Pin-781010.

4. Divisional Railway Manager, Lumding Division, North Frontier Railway, Lumding, Assam-782447.

5. Senior Divisional Personnel Officer, Lumding Division, North Frontier Railway, Lumding, Assam-782447.

6. Sri Umesh Chandra Das, son of Late Rajani Kanta Das, working as ESM-2, under Senior Section Engineer, N.F. Railway, Guwahati-781001, residing at Railway Quarter No.DS/14E, Kalibari Colony, P.O. Panbazar, P.S. Latasil Guwahati, Assam, Pin-781001 and permanently residing at Hengrabari, Lichu Bagan, Dispur, Kamrup, Assam-781006.

7. Smt. Ratna Barman, residing at Railway Quarter No.DS/14E,

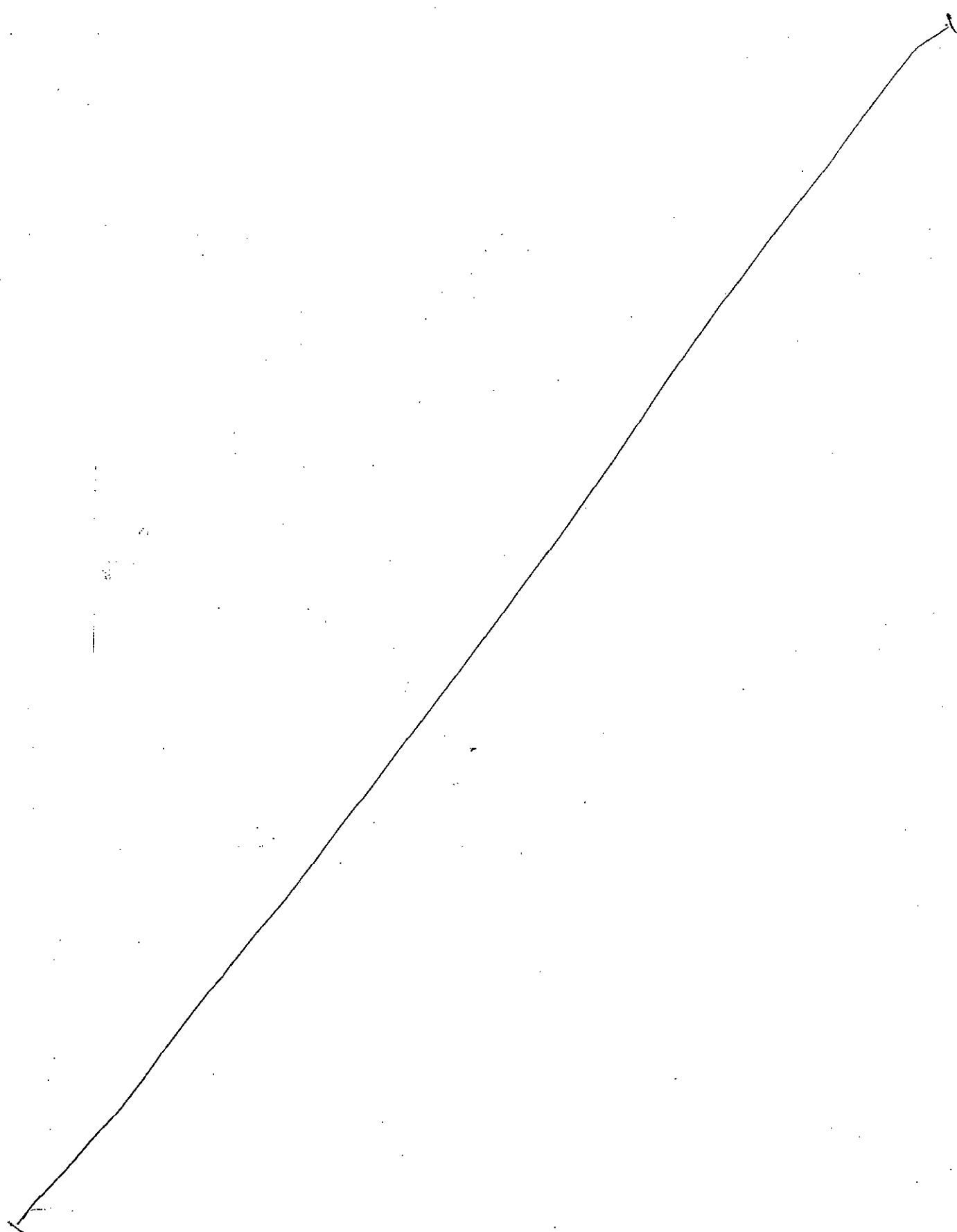
Kalibari Colony, P.O. Panbazar, P.S.

Latasil Guwahati, Assam, Pin-

8

781001. Permanently at - Hengrabari,
Lichee Bagan, Dispur, Kamrup, Assam - 781006

... RESPONDENTS



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

No.O A.350/1724/2019

M.A.350/1021/2019

Date of order : 14.01.2020

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

**JHARNA DAS & ANOTHER
VS.
UNION OF INDIA & OTHERS
(N.F. RAILWAY)**

For the applicant : Mr. B. Chatterjee, counsel
For the respondents : Ms. S. Choudhury, counsel

ORDER

Bidisha Banerjee, Judicial Member

Ld. counsels were heard and records were perused.

2. Admittedly and evidently the applicant No.1 who has claimed herself as the legally wedded wife and applicant No.2 as he younger daughter of one Sri Umesh Chandra Das, son of Late Rajanikanta Das, employed under Senior Section Engineer(Signal) of North Frontier Railway at Guwahati, have sought for the following reliefs in the O.A.:-

"a) An order directing the respondent authorities to incorporate the names of the applicants in the Service Record of Sri Umesh Chandra Das;

b) An order directing the respondent authorities to consider the representations of the applicant No.1 and appropriate proceeding may be drawn up against the respondent No.6;

c) An order directing the official respondent not to disburse retirement benefits as well as settlement dues of the respondent No.6 till the names of the applicants are incorporated in the Service Book/Records of the respondent No.6;

d) An order directing the respondent authorities to produce/cause production of all relevant records;

e) Costs;

f) Any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper."



3. The applicants have also filed M.A.No.350/1021/2019 to seek permission of this Tribunal to move the O.A. jointly under Section 4(5)(a) of C.A.T.(Procedure) Rules, 1987.

Having heard Id. counsel for both sides, the M.A. is allowed.

4. In the O.A. the applicants have claimed as under:-

Applicants are entirely dependent on the earning of the said Sri Umesh Chandra Das. Due to matrimonial discord they are forced to reside separately from Sri Umesh Chandra Das and proceedings of divorce and maintenance of applicant No.1 are pending before the appropriate court of law. Meanwhile, Sri Umesh Chandra Das has entered to an extra-marital affair with one Ratna Barman and is trying to introduce her name in his Service Records as nominee/beneficiary in place and stead of the applicants herein so that she will be receiving the retirement benefits of Sri Umesh Chandra Das, illegally. Hence this original application.

5. We would note that the issue in question cannot be brought under the ambit of the definition of service matter under Section 3(q) of the Administrative Tribunals Act, 1985. Section 3(q) of the Administrative Tribunals Act, 1985 is explicit on the jurisdiction of the Tribunal and lays down the following :-

"Section 3(q) in The Administrative Tribunals Act, 1985

(q) "service matters", in relation to a person, means all matters relating to the conditions of his service in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or



under the control of the Government of India, or, as the case may be, of any corporation 7[or society] owned or controlled by the Government, as respects—

- (i) remuneration (including allowances), pension and other retirement benefits;*
- (ii) tenure including confirmation, seniority, promotion, reversion, premature retirement and superannuation;*
- (iii) leave of any kind;*
- (iv) disciplinary matters; or*
- (v) any other matter whatsoever;"*

6. The applicant No.1 is already fighting for her rights before a competent court of law which if granted, her grievance would be suitably redressed to some extent.

7. We further note that it is the prerogative of her husband to give details for publication of a PPO.

8. Therefore, her claim even as married wife of the serving employee is not maintainable. So long the employee is serving and is agile, no family member can step into his shoes to seek his service benefits.

9. Hence we find this O.A. as not maintainable. It is accordingly dismissed. However, it is always open for the applicants to draw the notice of the authorities if her husband is guilty of bigamy, if the situation so demands or redressal of her grievance on the basis of any declaration issued by a competent court of law in her favour.

10. Due to the aforesaid reasons, the O.A. is dismissed. No costs.



(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member