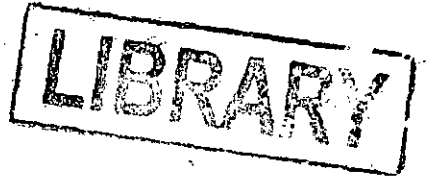


CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA



Date of order : 9.12.19.

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

O.A.350/1328/2016 : Bimala Murmu, Wife of
Late Subal Murmu, aged about
24 years, residing at C/O-Nimai
Ch. Hansda, Village-Niranjanbarh,
P.O.-Rakhajangal, District-Paschim
Medinipore, Pin Code-721301.

-Versus-

1. Union of India, through the
General Manager, South Eastern
Railway, Garden Reach,
Kolkata-700043;

2. The Divisional Railway Manager (P),
South Eastern Railway, Kharagpur
Division, Kharagpur, Paschim
Medinipore, Pin Code-721301;

3. The Sr. Divisional Personnel Officer,
South Eastern Railway, Kharagpur
Division, Kharagpur, Paschim
Medinipore, Pin Code-721301;

4. Pramila Murmu, residing at
Village-Tengia, P.O.-Pukuria,
District-Paschim Medinipore,
Pin -721507.

O.A.350/262/2016 : Pramila Murmu, Daughter of
Late Subal Murmu, (Ex Helper Gr.II
in the Electrical TR-D/OHR/HL2,
S.E. Railway, Kharagpur) aged about
18 years, unemployed, residing at
Village Tengia, Post Office -Pukuria,
Police Station-Jhargram, District-
Paschim Medinipur, Pin-721507.

-Versus-

1. Union of India, service through the
General Manager, South Eastern
Railway, Garden Reach,
Kolkata -700 043;

2. The Divisional Railway Manger(P),
South Eastern Railway, Post Office and
Police Station-Kharagpur, District –
Paschim Medinipur, Pin-721301;

3. Senior Electrical Engineer
TRD/OHR/HL2), South Eastern Railway,
Kharagpur, Post Office and Police
Station-Kharagpur, District-Paschim
Medinipur, Pin-721301

For the applicant : Mr. A. Chakraborty, counsel
Mr. T.K. Biswas, counsel

For the respondents : Ms. G. Roy, counsel

ORDER

Bidisha Banerjee, Judicial Member

The applicant in O.A.No.350/1328/2016 Bimala Murmu claiming herself as wife of Late Subal Murmu who died while in harness as Helper-II under SSE/OHE-TRD/HLZ on 16.09.2014 stated that out of the wedlock she has a minor son aged 5 years and she has claimed for family pension and other settlement dues along with interest and consequential benefits. The applicant has contended that one married daughter of the deceased has preferred O.A.No.350/262/2015 claiming for compassionate appointment and pensionary benefits without impleading her.

2. O.A.No.350/262/2015 as it appears from the pleadings, has been filed by one Pramila Murmu claiming herself as unemployed daughter of Late Subal Murmu who passed away while in harness on 20th July, 2014. She claimed that her mother pre-deceased her father on 14.04.2008 and her repeated prayers before the authorities for employment and release of family pension as well as death benefits has fallen on deaf ears. She has claimed that she approached the authorities with photocopies of all the requisite documents of her father's service and her educational qualification(annexed with the O.A.).

3. Respondents in O.A.No.1328/2016 have refuted the claim of the applicant Bimala Murmu that she is the legally married wife of the deceased employee, Subal Murmu and alleged that Subal Murmu was survived by 2nd wife Bimala Murmu, the applicant herein, Pramila Murmu and Sonata Murmu(daughter and son of 1st wife, Smt. Basanti Murmu) and Subhajit Murmu(son of 2nd wife, Bimala Murmu). They also admitted that said Subal Murmu married one Bimala Murmu on 21.11.2010 after death of his first wife, Basanti Murmu on 13.04.2008 and that Subal Murmu during his lifetime mentioned the name of Bimala Murmu as his wife and the names of children of the first wife as well as son of the 2nd wife in the official records on 12.01.2013 in prescribed format. After the death of Subal Murmu, Bimala Murmu, 2nd wife did not submit any claim for settlement dues and it was only after Pramila Murmu, the daughter of the deceased filed

O.A.No.350/262/2015 for settlement dues, family pension and compassionate appointment, Bimala Murmu responded to the letters in connection with disbursement of settlement dues. The respondents have also averred that a personal hearing was given to both Pramila Murmu and Bimala Murmu on 13.05.2016 by the competent authority to mitigate and resolve the family dispute and that due to pendency of the O.As they were unable to release the settlement benefits in favour of the legal heirs.

4. In view of the fact that there is no dispute in regard to the fact that Bimala Murmu was married to Subal Murmu after the death of his first wife, therefore, Bimala Murmu is the legally married 2nd wife of the deceased Subal Murmu, the respondents are directed to consider the prayers of the applicants in both the O.As and ameliorate their grievances suitably in accordance with law by giving them proper share of the settlement dues, family pension etc. Let appropriate orders be issued within three months from the date of receipt of this order. Accordingly both the O.As stand disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Baherjee)
Judicial Member