

**CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA/050/00797/2019**

Reserved on: 16.01.2020
Pronounced on: 17.01.2020

C O R A M
HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER

Ram Bhushan Kumar, aged about 22 years, Gender-Male, son of Late Jai Prakash Singh @ Late Jay Prakash Singh @ Late J.P. Singh, Resident of Village-Rajpur, PO- Neora, PS- Bihta, District- Patna, Pin- 801113.



.... Applicant.

By Advocate: - Mr. Kundan Kumar

-Versus-

1. The Union of India through the Chairman, Railway Department, Rail Bhawan, Raisina Road, Government of India, New Delhi- 110001.
2. The General Manager, East Central Railway, Zonal Office Road, Dighi Kala East, Hajipur, Bihar- 844101.
3. The Senior Divisional Personnel Officer, East Central Railway, Danapur Division- 801105.
4. Smt. Sabita Singh, aged about 42 years, Gender Femnale, 2nd Wife of Late J.P. Singh, Daughter of Late Sajha Nand Singh, Rajpur, PO- Neora, PS- Bihta, District- Patna, Pin- 801113.

.... Respondents.

By Advocate: - Mr. (Dr.) Shiv Kumar for official respondents
Mr. M.P. Dixit for private respondent no. 4.

O R D E R

Dinesh Sharma, A.M:- In the instant OA, the applicant has prayed for directing the respondent authorities to pay all service and retiral dues of his father Late Jay Prakash Singh, who died on 10.11.2018 while he was posted at Danapur as MCM in the office of Senior Divisional Door Sanchar Abhiyanta, Danapur, East Central Railway, and further be

appointed on compassionate ground. The applicant has claimed that the father of the applicant, deceased employee, solemnised second marriage during lifetime of applicant's mother and therefore any claim by this second wife (stepmother of the applicant) or their sons (his step brothers) is not legally maintainable. The applicant has also stated that he has also filed a Title Suit bearing TS No. 126/2014 for declaration of his Title which is pending before the Court of Learned Sub Judge 1st Danapur, Patna.



2. A written statement has been filed by the official respondents. It is stated that after the death of the Railway employee Jay Prakash Singh on 10.11.2018, the concerned Welfare Inspector has done inquiry regarding family members of the Ex-employee. Accordingly, the settlement payment of Late Jay Prakash Singh has been done in favour of Smt. Sabita Kumari (second wife) and her son Saurav Kumar and one share of settlement dues have been kept back in favour of the applicant. It is stated that the deceased employee married Smt. Sabita Singh after the death of his first wife Late Bibha Devi and the applicant has failed to produce any relevant documents to establish that his father's marriage with Sarita Devi was solemnised while his mother Bibha Devi was alive. The written statement also states that the applicant's date of birth is 16.08.1998 as per the enquiry report and as per Aadhar Card his date of birth is 01.01.1999. The date of death of Late Bibha Devi is mentioned as 05.10.1996 (as per Railway Hospital death certificate enclosed as

Annexure R/1) which is contradictory to the claim of the applicant regarding the date of death of Late Bibha Devi in November, 1998.

3. A supplementary written statement was also filed by the official respondents in which they have enclosed a copy of the marriage card (Annexure R/3) as evidence of Smt. Sabita Kumari's marriage with the late employee Jay Prakash Singh which was solemnised on 09.05.1997. The supplementary WS also annexes the death certificate of the deceased employee (Annexure R/2) and that of his first wife Smt. Bibha Devi at Annexure R/1(ii). It is also informed that the respondents have already given appointment on compassionate ground to Smt. Sabita Singh (second wife of the late employee) after conducting all the necessary enquiries about the eligibility (Annexure R/4).

4. I have gone through the pleadings and heard the arguments of learned counsels of both the parties. The learned counsel for the applicant brought to this Tribunal's attention what he called obvious signs of fabrication in Annexure R/3 and Annexure R/2 and Annexure R/1(ii). The marriage invitation shows the groom's name as Jai Prakash Sharma, son of Shri Shatruwaha Singh which, the learned counsel says, is normally impossible as it gives the name of the father and son belonging to two different communities. The name of the father in this marriage invitation letter is also different from the name of the father written in the death certificate where it is shown as Shatruhan Prasad. The learned counsel also argued that the death certificate of Smt. Bibha Devi



also shows some signs of tampering by way of superimposing two documents and therefore should be raising suspicion about its credibility. The learned counsel for the respondents argued that the Department has satisfied themselves through ample inquiry [through authorities of the Gram Panchayat- Annexure R/1(iii) and Annexure R/1(iv) and from their own office (Annexure R/1(v) and R/1(vi)] that the deceased employee had contacted second marriage only after the death of the first wife and that the marriage of the deceased employee with Sabita Kumari was an illegal one. It was also argued that the applicant has not come up with clean hands since his own date of birth, which is of a date after the date of death of his mother, leads to a suspicion about the correctness of his claim.

5. After going through the pleadings and hearing the arguments, it is clear that while the applicant has claimed the marriage of his late father with Savita Singh as one which happened during the lifetime of his mother, the respondents have denied it and have claimed that the second marriage was legal since it happened after the death of the first wife. The official respondents have produced enough evidence of having conducted inquiries to satisfy themselves about the correctness of the claim made by the second wife. The only issue that may still remain is the factual issue about whether the marriage of late employee happened after the death of first wife or before that. Though the applicant has pointed out certain discrepancies to throw doubt about



some pieces of evidence (the marriage invitation letter), he has also not produced any conclusive evidence to prove that the second marriage took place during the lifetime of his mother. As the applicant has himself admitted he has filed a Title Suit before a Civil Court where this issue about the civil rights of himself vis-à-vis the second wife and her sons will be decided, I do not think there is anything of conclusive value produced by the applicant before this Tribunal which can justify this Tribunal's intervention in the decision of the Railway authorities to grant the retirement benefits to a person whom they have found to be a legally wedded wife and a legitimate claimant to the retiral and other benefits. The OA is, therefore, dismissed. However, if the applicant is able to succeed in any Civil Court to prove the illegitimacy of the marriage of his late father with Sабita Singh he will be at liberty to again raise this claim with the Railway authorities following such decision. No order as to costs.

**[Dinesh Sharma]
Administrative Member**

Srk.

