

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA/050/00757/2017

Date of Order: 30.12.2019

C O R A M

HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER

Smt. Lalita Rai, Wife of Late Indra Dayalu Rai, Resident of Village/Mohallah- Road No. 6, Rajeev Nagar, PO- Keshari Nagar, P.S.- Rajeev Nagar, Town and District- Patna (Bihar), Pin Code- 800023.

.... Applicant.

By Advocate: - Mr. M.P. Dixit

-Versus-

1. Bharat Sanchar Nigam Limited through the Chairman-Cum-Managing Director, Bharat Sanchar Nigam Limited, BSNL Corporate Office, New Delhi- 110001.
2. The Chief General Manager, Telecom, Bharat Sanchar Nigam Limited, Bihar Circle, Buddha Marg, Patna- 800001.
3. The Principal General Manager, Telecom District. Bharat Sanchar Nigam Limited, 5th Floor, Telephone Bhawan, R Block, Patna-800001.
4. The Additional General Manager (Administration), Bharat Sanchar Nigam Limited, Office of the Principal General Manager, Telecom District, Bharat Sanchar Nigam Limited, 5th Floor, Telephone Bhawan, R Block, Patna- 800001.
5. The Additional General Manager (OP), Bharat Sanchar Nigam Limited, Office of the Principal General Manager, Telecom District, Bharat Sanchar Nigam Limited, 5th Floor, Telephone Bhawan, R Block, Patna- 800001.
6. The Additional General Manager (PG), Bharat Sanchar Nigam Limited, Office of the Chief General Manager, Telecom, Bharat Sanchar Nigam Limited, Bihar Circle, Buddha Marg, Patna- 800001.
7. The Chief Accounts Officer (Pension), Bharat Sanchar Nigam Limited, Sanchar Sadan, Office of the Chief General Manager, Telecom, Bharat Sanchar Nigam Limited, Bihar Circle, Buddha Marg, Patna- 800001.

.... Respondents.

By Advocate:- Mr. K.P. Narayan



ORDER
[ORAL]

Dinesh Sharma, A.M:- In the instant OA, the applicant has requested for quashing and setting aside the order of AGM(OP), Office of the Principal General Manager, Telecom District, Patna by which the request of the applicant for family pension has been rejected stating that the Late Indra Dayalu Rai did not submit any certificate in his life time claiming the applicant as his wife. The applicant has also requested for directing the respondents to issue corrected Pension Payment Order (PPO) to enable her to get family pension (and arrears of family pension) in view of the Rule 54 (18) of the CCS(Pension) Rules, 1972 and also in view of certificate(Annexure A/2 and A/3) furnished by the deceased employee. The applicant claims that her claim for family pension has been wrongly rejected. She had married the Late employee Indra Dayalu Rai after the death of his first wife Shakuntala Devi on 18.11.2000. Her husband had tried to apply (under Form-03) for getting the details of this marriage recorded with the respondents, but he was advised to get a certificate about the marriage from the Court. However, after that, her husband died and she has been requesting for getting her name in the Pension Payment Order for grant of family pension. The respondents have themselves conceded in their letter dated 19.04.2016 (Annexure A/7) that a certificate issue by Gram Panchayat is also valid under Rule-54(18) of CCS(Pension) Rules, 1972 for registering the applicant's name



in a revised PPO and therefore, denial of family pension to her is wrong and hence, this OA.

2. The respondents have filed their written statement in which they have stated that the second wife is not entitled to the family pension as a legally wedded wife under Hindu Marriage Act. Since Lalita Rai is not legally wedded wife and neither such declaration about the applicant Lalita Rai was ever furnished by the deceased employee during his lifetime nor any certificate issued by any court of law has been submitted by the applicant, thus the applicant is not entitled to family pension. The respondents have stated that their records only show the name of Shakuntala Devi as the wife of the deceased employee. The applicant has to provide certificate of marriage from the District Magistrate or any Magistrate who has been authorized by the Government and the certificate issued by the Mukhia is not a legal certificate.



3. I have gone through the pleadings and heard the arguments of both the parties. The respondents have produced records in which the name of Mrs. Shakuntala Devi has been shown as the wife of the Late employee Indra Dayalu Rai. All these records are of dates much prior to the date of the death of Shakuntala Devi as alleged by the applicant. The respondents have stated that the alleged second marriage is not legally valid. However, this does not appear to be correct since a marriage after the death of the first wife is not illegal under the Hindu Marriage Act. It is

also clear from the records (Annexure A-7 series of OA) that the late employee Indra Dayalu Rai had given information about his second marriage, but he was first asked to produce a court certificate and later the respondents have themselves accepted correcting the records on the basis of a certificate issued by Gram Panchayat. From these available papers on record, it can be concluded with sufficient certainty that the applicant was legally wedded to the deceased employee after the death of his first wife and, therefore, she is legally entitled to claim family pension. The OA is, therefore, allowed. The respondents are directed to issue a revised Pension Payment Order showing the name of the applicant as wife of the deceased pensioner employee, and to grant her the family pension which she is legally entitled, for being the legally wedded wife of the deceased pensioner. The orders to this effect and release of pension along with arrears should be done within three months from the date of issue of this order. No order as to costs.



[Dinesh Sharma]
Administrative Member

Srk.