

**CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH**

R.A. No. 3/2013
in
OA. No. 1183/2012

**Dated Wednesday the 7th day of October, Two Thousand Fifteen
P R E S E N T**

**HON'BLE MR. JUSTICE B. SESHASAYANA REDDY, Member (J)
&
HON'BLE DR. P. PRABAKARAN, Member(A)**

Smt. R. Devaki,
W/o. Late Shri M. Subramaniam
Door No.10/324, Ramasamy Pillai Tea Estate,
Jagathala Road,
Aruvankadu- 643 202,
The Nilgiris.

... Applicant

[By Advocate:M/s. Ayyar & Iyer]

Vs.

1. Union of India -Rep. by
The Secretary to the Govt of India,
Ministry of Defence,
South Block, DHQ (PO),
New Delhi- 110 011;
2. The Chairman & DGOF,
Ordnance Factory Board,
10-A, SK Bose Road,
Kolkata- 700 001;
3. The General Manager,
Cordite Factory,
Aruvankadu- 643 202;
The Nilgiris;
4. The Secretary to Govt. of India,
Dept. of Pension & Pensioner's Welfare,
3rd Floor, Lok Nayak Bhawan,
Khan Market,
New Delhi- 110 003.

... Respondents

By Advocate: Mr.C. Kulanthaivel

ORDER

(Pronounced by Hon'ble Mr. Justice B. Seshasayana Reddy, Member(J))

This Review Application has been filed by the applicant in O.A. No. 1183 of 2012 seeking review of the order dated 17.10.2012 in O.A. No. 1183/2012. The applicant claims to be 2nd wife of Late M. Subramaniam. The said Subramaniam died on 06.3.2012. She submitted representations to the respondents claiming family pension. Her representation came to be rejected. Thereupon, the applicant filed O.A. No. 1183/2012 assailing the order of the rejection. This Tribunal on considering the material placed on record and on hearing counsel for the applicant, proceeded to dismiss the O.A. at admission stage by order dated 17.10.2012 in O.A. No. 1183/2012.

2. The instant application is filed seeking review of the said order on the ground that Rule 54 (7)(a)(i) of the CCS(Pension) Rules has not been considered while passing the order dated 17.10.2012. Rule 54(7)(a)(i) reads as hereunder:-

"(i) Where the family pension is payable to more widows than one, the family pension shall be paid to the widows in equal shares."

By referring the above clause, it is contended by learned counsel for the applicant that applicant being the second widow

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of the pensioner, Late M. Subramaniam, is entitled to family pension.

3. This Tribunal while dismissing the O.A. referred to Rule 54(7)(a)(i) of CCS(Pension) Rules. Admittedly, as on the date of alleged marriage with M. Subramaniam, his first wife was alive, therefore, as per Hindu Marriage Law to which applicant belongs, her marriage with M. Subramaniam cannot be said to be legal marriage. Therefore, there is no apparent error on the face of the record in the order dated 17.10.2012 passed in O.A. 1183/2012. Accordingly, this Review Application is dismissed.