

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/21/740/2020

HYDERABAD, this the 3rd day of December, 2020

Hon'ble Mr. Ashish Kalia, Judl. Member

Hon'ble Mr. B.V. Sudhakar, Admn. Member



1. D. Mangamma, W/o. D. Venkanna
Aged about 46 years,
Occ: House Wife, D.No.1-1-25, Ganesh Nagar,
Mahaboobabad, Warangal – 506 101(TG).
2. D.Vemasri, D/o. D. Venkanna,
Aged about years, Occ: Unemployed,
D.No.1-1-25, Ganesh Nagar,
Mahaboobabad, Warangal – 506 101(TG).

...Applicants

(By Advocate: Smt. S. Anuradha)

Vs.

1. Union of India rep. by
General Manager, South Central Railway, Rail Nilayam,
Secunderabad.
2. The Divisional Railway Manager (P),
South Central Railway,
Sanchalan Bhavan, Secunderabad.
3. The Senior Section Engineer,
Permanent Way, South Central Railway, Secunderabad.
4. The Assistant Divisional Engineer,
South Central Railway, Secunderabad.
5. D. Venkanna, S/o. Venkaiah,
Aged about 59 years, Occ: Senior Trackman,
O/o. Senior Section Engineer, Permanent Way,
South Central Railway, New Boiguda, Secunderabad.

....Respondents

(By Advocate : Smt Vijaya Sagi, SC for Rlys.
Sri Y Bala Murali for R5)

ORAL ORDER
(As per Hon'ble Mr. B.V. Sudhakar, Administrative Member)

Through Video Conferencing:



2. The OA has been filed seeking a direction to the respondents to stop disbursement of settlement dues to R-5 Sri D. Venkanna.

3. Brief facts of the case as narrated in the OA are that the 1st applicant is the legally wedded wife of D. Venkanna, who is working as Senior Trackman in the respondent organization. Marriage of the 1st applicant took place with the R-5 at Mahabubabad on 11.03.1982 and they were even blessed with a baby girl by name D.Vemasri, who is 2nd applicant herein. Both the applicants were residing at Mahabubabad and the 5th respondent used to stay at different places as per the requirements of the job he was doing. The 5th respondent never shifted his family to the place where he was working. The 1st applicant states that she came to know from the railway records maintained at Railway Hospital Secunderabad and the records maintained by the respondents, the name of Mrs. Jayalaxi is shown as the wife of the R-5 and that he has two sons and one daughter by name Ramu, Ranjith and Rajitha respectively. On being aware of this fact, 1st applicant questioned the R-5 and for doing so she was necked out of the house. Consequently applicant is staying with a relative at Yellandu. First applicant approached the respondents to enter her name and that of her daughter in the railway records and delete the name of others referred to. Simultaneously, applicant filed maintenance and DVC cases in the civil Court at Yellandu wherein interim relief was granted to the extent of Rs.10,000 to be deducted from R-5 salary towards monthly maintenance

and withholding of Rs.15.00 lakhs from the terminal benefits of R-5. Besides, directing official respondents not to provided appointment to dependent of R-5. The applicant is due to retire in 6 months and he is again seeking voluntary retirement and if granted there will be irreparable loss to the applicant since once R-5 would take away all the terminal benefits. Hence the OA is filed to restrain the respondents from paying the terminal benefits to R-5 and enter the name of the applicants in the railway records.



4. The contentions of the applicant are that the respondents are not making any changes in the railway records despite making several representations. The respondents are in hand in glove with the 5th respondent in making irregular entries in the service records of the 5th respondent. The action of the respondents in retaining the name of unrelated person in the records despite the orders of the Hon'ble Court declaring the 1st applicant as wife and granting maintenance to her, is arbitrary, illegal and malafide.

5. Leaned Counsel for the respondents submitted written instructions wherein it is stated that no final order has been issued in regard to the disbursement of the settlement benefits of the 5th respondent and therefore, there is no cause of action. Besides, the subject matter of the OA is not within the jurisdiction of this Tribunal. It is also pointed out by them that in the railway records of the 5th respondent, name of Smt. Jayalaxmi is mentioned as his wife and two sons by name Ramu and Ranjith and

daughter by name Rajitha are recorded. The employee has not applied for any change of the names of his family members by filing the requisite declaration. The 5th respondent did apply for appointment of his son under LARSGESS. However, the 1st applicant approached the then DEN/Central/SC and submitted an application to stop the appointment to the son of the 5th respondent under LARSGESS. The application under LARSGESS was not processed as it was not in conformity with the conditions of the scheme. Applicant filed Maintenance and DVC cases before the Hon'ble First Class Judicial Magistrate, Yellandu and obtained orders in regard to monthly maintenance, withholding a part of the terminal benefits of R-5 and not to provide employment to the dependent of R-5. The 5th respondent applied for VR and the same was accepted on 27.10.2020. The processing of pension papers of the employee has commenced and further processing would be done based on the orders of the court.



5th respondent filed a reply wherein he states that the applicant No.1 is not his wife and the name of his wife is Smt. Jayalaxmi. Tribunal has no jurisdiction to entertain the application because the dispute is civil in nature pertaining to the marital status of the 1st applicant. R-5 further submits that he had extra marital relationship with the 1st applicant with her consent and that she is aware that he is already married and having children. It is true that the 5th respondent applied for VR and the 1st applicant tried to stop him from seeking VR by making false complaints. The cases filed by the 1st applicant in the civil court are baseless. Nevertheless, 1st applicant obtained certain orders from the Hon'ble Civil Courts. 5th respondent claims that he

was suffering from ill-health and therefore, sought retirement so as to seek a job for his son, Ramu. In fact, the 5th respondent and the 1st applicant came to an understanding and thereafter, the application for VR was preferred. Later, with a malafide intention, the 1st applicant filed complaints against R-5 to the higher authorities. Recently, the son of the 5th respondent died and in such stressful situation, the applicant No.1 continues to harass R-5.



6. Heard both the counsel and perused the pleadings on record.

7. I. The issue under dispute, in short, is the marital status of the 1st applicant. . 1st applicant filed a Maintenance Case against 5th respondent before the Hon'ble First Class Judicial Magistrate Yellandu in MC No. 50/2016 and the said Court granted her Rs.10,000 per month as maintenance on 5.02.2019 by attaching the salary of the 5th respondent. The case is pending for further adjudication. Besides, the 1st applicant has also filed a Domestic Violence Case against the 5th respondent before the Hon'ble First Class Judicial Magistrate Yellandu in CrI. MP No. 643/2016 in DVC No. 22/2016. The Hon'ble Court directed the DRM of the respondents organization on 14.06.2016 to attach and withhold an amount of Rs.15 lakhs from the terminal benefits of the 5th respondent and also directed not to appoint any person dependent on the 5th respondent until further orders. Apprehending that the official respondents may favour R5, 1st applicant is filing an Enforcement Petition for implementation of the order in CrI. MP No. 643/2016 in DVC No. 22/2016.

II. Official respondents confirmed the orders of the Hon'ble Civil Court and the compliance in regard to the same. The prayer of the 1st applicant is to direct the respondents to withhold the release of terminal benefits to the 5th respondent on the ground that she is the legally wedded wife of the 5th respondent. The 5th respondent filed a reply wherein he asserts that his legally married wife is Ms. Jayalaxi and he is having extra marital relationship with the 1st applicant. The 5th respondent also claims that the 1st applicant knew about his marriage with Ms. Jayalaxmi and that he is having children. 5th respondent confirms that in the railway records, he has entered the name of Smt. Jayalaxmi as his wife and Ramu, Ranjith and Rajitha as sons and daughter respectively. Ld Counsel for the R-5, contends that the Tribunal has no jurisdiction over the issue since the 1st applicant is not married to R-5 and therefore not being a part of the family, has no right to claim any % of R-5 retirement benefits.



III. As is evident from the facts, it is evident that the claim of the 1st applicant as the wife of the 5th respondent is under adjudication before the competent court. As an interim relief, the Hon'ble Court at Yellandu issued certain directions in regard to maintenance and withholding of certain amounts from terminal benefits of the 5th respondent. The Tribunal can adjudicate the issue only when the marital status of the 1st applicant is decided by the competent Court where the relevant cases have been filed.

IV. Consequently, we dispose of the OA giving liberty to the applicants to pursue with the respondents for appropriate remedies, if any,

after the issue of the 1st applicant being wife of the 5th respondent is decided by the competent court referred to above.

With the above direction, the OA is disposed of. No order as to costs.



(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

/al/evr