

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No.2570/2004

New Delhi this the day of 2nd June, 2005

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Hon'ble Shri V.K. Majotra, Vice Chairman (A)

Anar Devi, W/o Late Shri Ram Charan,
C/o Shri Hari Singh Contractor, Barola,
Jafrabad, I.T.I. Road, Aligarh U.P.

-Applicant

(By Advocate: Shri U. Srivastava)

Versus

Union of India through

1. The General Manager
Northern Central Railway,
Allahabad (U.P.)

2. The Divisional Railway Manager (Personnel),
Northern Central Railway, Jhansi Division,
Jhansi, U.P.

-Respondents

(By Advocate: Shri D.S. Jagotra)

ORDER (Oral)

Applicant has, through this application, claimed that she has not been accorded employment on compassionate ground and she has also not been released family pension, death-cum-retirement gratuity etc. although her husband Shri Ram Charan who had been working as Parcel Porter with the respondents died on 12.6.2003

2. Learned counsel of applicant stated that admittedly applicant had earlier on married with Shri Hari Singh and had a daughter through him but there was a mutual divorce between him and her earlier husband Shri Hari Singh as on 9.10.1967. The deceased Government employee Late Shri Ram Charan had also got married with one Smt. Shyamwati and had a son through her but there was also a mutual divorce between them. Both of them ~~had been~~ given liberty to have re-marriages in accordance with the Social Customs in their community. Learned counsel stated that Smt. Shyamwati got married with Shri Sohan Lal and had a family of her own. Shri Ram Charan died on 12.6.2003. Learned counsel stated that Shri Shyamwati has contested the claim of the applicant on

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the retrial dues of the deceased Government employee. He has particularly drawn my attention to Annexure A-2 with the rejoinder, which is dated 9.10.1967. Learned counsel stated that this is an agreement between the applicant and Shri Hari Singh that they could effect their respective divorce and re-marriage.

3. On the other hand, learned counsel of respondents stated that the document relied upon by the applicant is not a divorce document but only an affidavit of Shri Anar Devi. He has also shown the service documents of the applicant stating that nowhere there is any indication in the service documents of the applicant that the applicant was the married wife of the deceased Government servant. He further stated that even the son of the applicant has submitted an affidavit to the effect that the applicant was not the married wife of the deceased Government servant. Learned counsel stated that the Government would be satisfied if the succession certificate is produced by the applicant for the claimed reliefs.

4. I have considered the rival contentions of both sides and have also seen the records produced by the learned counsel of respondents.

5. Learned counsel of applicant has also been shown the service records of the deceased govt. servant. He has not been able to show any document the service book or the service records to the effect that the applicant was a married wife of the deceased Government servant. Annexure A-2 also does not establish that the applicant had effected any marriage with the deceased Government servant after this document. Applicant's marriage with the deceased Government servant is certainly a disputed fact, which can be settled only through a succession certificate. As the service records of the deceased Government servant do not reveal any connection with the applicant, I do not find any objection as to the stand taken by the respondents requiring the applicant to furnish the succession certificate in support of her claim.

6. In the facts and circumstances of the case as also the discussion made above, this OA is dismissed being without merit.

V.K. Majotra
(V.K. Majotra) Vice Chairman (A) 2.6.05