

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No.1882/93

New Delhi, this the 12th day of January, 1994.

Smt. Amrawati wife of Late Shri Shyam Lal,
r/o: Jhuggi No.11, Railway Colony,
College Lane, Near: Tilak Bridge,
New Delhi.
(By advocate: Shri R. Gopal)

...Applicant

VERSUS

1. Union of India, through
The Secretary, Ministry of Railways,
Rail Bhawan, New Delhi-110001.

2. Senior D.P.O.,
D.R.M. Office, Northern Railway,
Near: New Delhi Railway Station,
New Delhi-110001.

(By advocate: K.K.Patel)

...Respondents

ORDER (ORAL)

The applicant is aggrieved by an order dated 5-2-93 whereby the Divisional Personnel Officer wrote to applicant for production of proof that she is the second duly wedded wife of the deceased employee Shri Shyam Lal who died in harness on 20.7.92 while working as Khallasi in the office of respondent no.2. This letter further goes to show that the particulars and the date of the marriage in view of the fact that others surviving as heirs of the deceased employee, i.e., his sons and daughter, have made a complaint in writing that the applicant Smt. Amrawati is not the legal married wife of their deceased father.

2. A notice was issued to the respondents and Shri K.K.Patel appeared. The relief claimed by the applicant is for issue of appropriate orders striking down the order of stopping of pension to the applicant. No counter has been filed by the respondents. The matter has been heard on admission. The learned counsel for the respondents rightly pointed out that

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there is no order stopping the pension which has been sanctioned in the name of the applicant on the basis that she is the legal heir as a widow of the deceased Shyam Lal. The impugned letter of 5.2.93 is only a memo asking the applicant to give proof that she is the legally wedded wife of the deceased employee in view of the complaint by other surviving heirs of the deceased employee. The respondents are within their right to inquire into the veracity and the correctness of the said complaint made by sons and daughter of the deceased employee. This is not the stage for the Tribunal to interfere.

3. The counsel for the applicant has made submission that the pension granted to the applicant has been withheld from payment inspite of the fact that the applicant has gone to collect the same in the office of respondent no 2. Counsel for the respondents gave a statement that the pension of the applicant has not been withheld and no order in that connection has been passed.

4. In view of the above facts and circumstances, the present application is disposed of as pre-mature. However, it is made clear that if the applicant is aggrieved by any order withholding her pension to be withdrawn as per P.P.O. issued in her name, she can agitate the matter afresh, if so advised, according to law. The application is dismissed at the admission stage itself, with no order to costs.

J. P. Sharma
(J.P.SHARMA)
MEMBER(J)

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