

RESERVED

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

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Allahabad : Dated this 25th day of May, 1998

Original Application No. 1095 of 1996

District : Mirzapur

CORAM:

Hon'ble Mr. S. K. Agrawal, J.M.

Kamla Devi W/o Late Hari Prasad
R/o House of Vishnu Ram Joshi, Gangeshwar Nath,
Chunar District Mirzapur.

(Sri JP Gupta, Advocate)

. . . . Applicant

Versus

1. The Union of India through the
General Manager,
Northern Railway, Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway, Allahabad.

(Sri SK Jaiswal, Advocate)

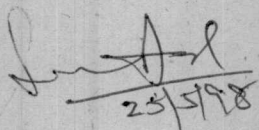
. . . . Respondents

ORDER

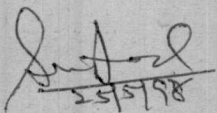
By Hon'ble Mr. S. K. Agrawal, J.M.

In this OA the applicant has prayed that the respondents be directed to pay GPF amount, Group insurance, leave encasement, family pension etc. of the deceased Hari Prasad to the applicant as she is the legally wedded wife of the deceased Hari Prasad.

2. In brief, the facts as stated by the applicant in this case are that the husband of the applicant who was ESM Grade-III at Dwar Railway Station, died on 22-6-1995 in service. The applicant returned the tools and plants etc. issued in the name of her husband to the Chief Signal Inspector, Northern Railway, Aligarh on different dates. The applicant made representation to the respondent no. 2 for the payment of the GPF Amount,


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Group Insurance, leave encashment, family pension etc. of her husband and also service of her son on compassionate ground. Therefore, the applicant was directed to produce documents proving the fact that the applicant is the legally wedded wife of the deceased Hari Prasad. The applicant produced Caste Certificate, Domicile Certificate, Certificate of two ex-members of Municipal Board, Chunar, Certificate of Tahsildar Chunar and the Succession Certificate issued by Civil Judge, Mirzapur showing that the applicant is the legally wedded wife of the deceased Hari Prasad, but before any order in this matter could be passed, one Smt. Munni Devi alleged to be the wife of the deceased Hari Prasad, also made representation to the respondents for granting GPF Amount etc. and pension in her favour. She claimed herself to be the wife of the deceased Hari Prasad on the basis of Marriage Certificate granted to her on 3-3-1992 ~~xxx~~ by the Marriage Officer, Mirzapur although the same was subsequently cancelled by the same Marriage Officer. It is submitted that the applicant immediately on 5-10-1995 moved an application before the Marriage Officer, Mirzapur that she is the legally wedded wife of the deceased Hari Prasad and the applicant again moved an application on 22-11-1995 before the Marriage Officer, Mirzapur, alongwith a certificate granted by Tahsildar Chunar praying that the certificate granted in favour of Smt. Munni Devi may be cancelled and the Marriage Officer vide the order dated 27-11-1995 cancelled the Marriage Certificate already granted in favour of Smt. Munni Devi. It is submitted that the applicant made a representation to the respondent no. 2 on 27-3-1996, 15-4-1996, but instead of allowing the claim of the applicant the respondent had directed the

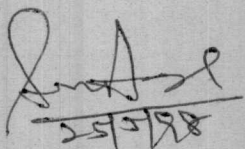

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applicant to obtain Succession Certificate from a competent court by impleading both as Plaintiff and Respondent vide order dated 17-4-1996. It is submitted that the applicant is legally wedded wife of the deceased Hari Prasad and she is entitled to receive the pensionary benefits of her deceased husband Hari Prasad. Therefore, by this OA, it was requested that respondent no.2 be directed to pay GPF amount, Group Insurance, leave encashment, family pension etc. of deceased Hari Prasad to the applicant.

3. A counter reply was filed by the respondents. It is submitted that the claim of the applicant for payment and settlement of dues as widow of deceased Hari Prasad is disputed as another lady Smt. Munni Devi had also submitted her claim for settlement of dues as she also claimed legally wedded wife of deceased Hari Prasad. Under these circumstances, it was decided that both the ladies should be asked to submit Succession Certificate issued by the competent court and in view of the counter filed by the respondents, it was requested that this OA has no merit and is liable to be dismissed.

4. We have heard learned counsel for the applicant and learned counsel for the respondents and perused the record carefully.

5. Learned counsel for the applicant has submitted that the applicant has submitted every kind of proof to establish the fact that she is the legally wedded wife of the deceased Hari Prasad, whereas the Marriage Certificate granted to Smt. Munni Devi has already been cancelled by the same Marriage Officer. Therefore, the marriage of Smt. Munni Devi with the deceased Hari Prasad is not surviving. I have also perused the following documents produced by the applicant:-

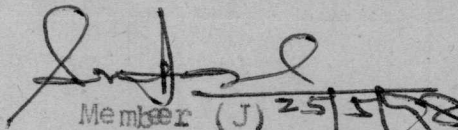

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- (1) Residential certificate issued on 16-8-1995.
- (2) Certificate issued by Sri Satyan Srivastava, Ex-Member Municipal Board.
- (3) Certificate issued by Tahsildar Chunar, District Mirzapur.
- (4) Succession Certificate issued by the Court of Civil Judge (Senior Division), Mirzapur in Case No. 124/1995.
- (5) Order passed by the Marriage Officer, Mirzapur dated 27-11-1995 by which the Marriage Certificate granted in favour of Smt. Munni Devi was cancelled.

6. All these documents are establishing the fact clearly without any doubt that Smt. Kamla Devi is the legally wedded wife of Late Hari Prasad. It is also clear from the perusal of the above documents that the Marriage Certificate granted to Smt. Munni Devi has already been cancelled declaring that the marriage is null and void. Therefore, in view of the evidence produced by the applicant in this case, I am of the considered opinion that the applicant is entitled to all the retiral benefits of her husband late Sri Hari Prasad.

7. Therefore, this OA is allowed and respondent no. 2 is directed to pay GPF amount, Group Insurance, leave encashment, family pension etc. of the deceased Hari Prasad to the applicant Smt. Kamla Devi within the period of one month from the date of receipt of this order.

8. Looking to the facts and circumstances of the case, the parties shall bear their own costs.


Member (J) 25/11/95

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