

(9)

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated: This the 17th day of **NOVEMBER** 2006.

Original Application No. 1435 of 2005

Hon'ble Mr. P.K. Chatterji, Member (A)

1. Smt. Munni Khatun, W/o late Qudrat Ali
2. Km. Khurshida Khatun, D/o Qudrat Ali (Minor)
(Under Guardianship of Mother Smt. Munni Khatun)

Both Resident of Village and Post Office Majhauri Raj,
Distt: Deoria.

. . . Applicants

By Adv: Sri K.N. Mishra

V E R S U S

Union of India through its General Manager,
N.E. Railway,
GORAKHPUR.

2. Divisional Railway Manager (Workshop),
N.E. Railway,
VARANASI.
3. Finance Advisor/Chief Account Officer,
N.E. Railway,
GORAKHPUR.
4. State Bank of India, Branch Salempur, through its
Manager.
5. Smt. Minti Devi, W/o Late Qudrat, R/o Village and Post
Office Majhauri,
Distt: DEORIA.

. . . Respondents

By Adv: Sri D.P. Singh

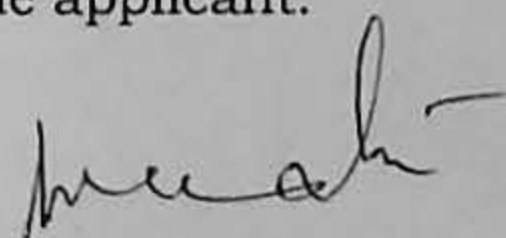
Mishra

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ORDER

The applicant No. 1 in this OA says that she is the widow of late Qudrat Ali, who was an employee in the organization of the Respondents i.e. Indian Railways. The applicant has approached this Tribunal for directing the respondents to pay a part of family pension granted by the respondents to Smt. Minti Devi (Respondent No. 5), who is the first wife of late Qudrat Ali. It appears from the submissions made in the OA and also from the reply thereof that late Qudrat Ali first married ~~by~~ Smt. Minti Devi and much later, as claimed by the applicant, he married the applicant and also had children. But the request for granting a part of the family pension to the applicant has been rejected by the respondents on the ground that Smt. Minti Devi was the only legally wedded wife of late Qudrat Ali and as per the service book, only she is entitled for the family pension. It has been admitted by the learned counsel for the applicant that although Sri Qudrat Ali married the applicant, he did not make any amendment in the service book to include the name of his second wife.

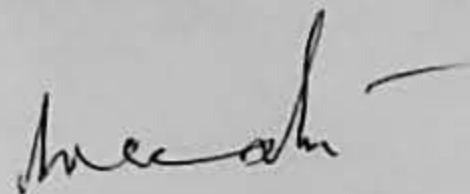
2. The applicant has brought to the notice of the Tribunal several documents as evidence that the applicant was married to deceased employee and also bore him children. She also took care of the deceased before his death and, therefore, for compassionate reasons the applicant should also be given a share of the family pension. However, the applicant has unable to show any ruling in support of her claim. There is no succession certificate also in favour of the applicant.



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3. Having gone through this OA and also the submission made by the respondents I am of the view that the respondents' action in granting the family pension to Smt. Minti Devi was legal and proper. They have followed the relevant pension rules, according to which the family pension is to be issued in favour of the person who has been nominated by the employee himself/herself at the appropriate time and whose name figures in the service book.

4. In view of the above I do not find any merit in the OA, which is dismissed. No cost.



Member (A)

mpc/