

RESERVED

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
BENCH ALLAHABAD**

(THIS THE 8th OF Oct 2010)

Hon'ble Mrs. Manjulika Gautam, Member (A)

Original Application No.294 of 2005

(U/S 19, Administrative Tribunal Act, 1985)

1. Smt. Suraj Kali @ Brij Kali W/o Late Babu Lal R/o Village Andhe (Lakshan Choekth) P.O. Bhrari Tehsil, Meja District Allahabad.
2. Prem Shankar S/o late Babu Lal R/o Village Andhe (Lakshan Choekth) P.O. Bharari Tehsil, Meja District Allahabad.

..... *Applicants*

Versus

1. Union of India through its G.M. N.C.R. Railway, Allahabad.
2. Divisional Railway Manager, N. C Railway, Allahabad.
3. Divisional Personal Officer, N.C. Railway, Allahabad.
4. Assistant Personal Officer, N.C. Railway, Allahabad.
5. Assistant Divisional Engineer (Line), N.C. Railway, Allahabad.
6. S.S.E (P. Way), N.C. Railway, Allahabad.

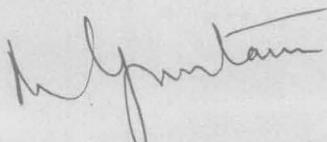
..... *Respondents*

Present for Applicant : Shri R.V. Mishra

Present for Respondents : Shri A.K. Pandey

O R D E R

When this O.A. was filed plural reliefs were sought, one of compassionate appointment and other of retiral benefits. When this defect was pointed out, learned counsel for the applicant

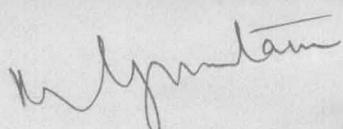


agreed not to press the demand for compassionate appointment and to claim single relief of retiral benefits in this O.A.

2. The husband of the applicant NO.1, Shri Babu Lal died on 3.7.2004 while in service. The applicant NO.1 vide application dated 3.8.2004, made a request for family pension and other retiral benefits as well as for compassionate appointment of her son, who is applicant NO.2 in the present O.A. The case of the applicant No.1 is that in spite of repeated representations and requests, family pension and other retiral benefits have not been provided to her. Accordingly, she has filed the present O.A.

3. In the counter affidavit filed by the respondents, the respondents have stated that another lady namely Bitola Devi has also represented to the Director, Public Grievances, Cabinet Secretariat, Government of India, New Delhi for payment of settlement dues of the deceased railway employee - Shri Babu Lal. Welfare Inspector made inquiry and after visiting the residential places of the claimants, who were claiming to be the widow of deceased railway employee, he submitted his report. According to it, it was difficult to decide who was the genuine widow of the deceased railway employee, therefore, it was necessary to file Civil Suit in the Court of District Judge.

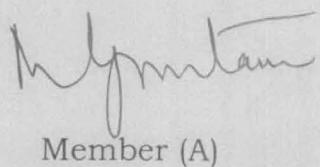
4. In the rejoinder affidavit filed by the applicant, it has been stated that Smt. Bitola Devi is not legally wedded wife of the deceased nor she has any relationship with the husband of the applicant No.1. The name of the applicant No.1 is mentioned in the Service Record of the deceased and also in the voter list



alongwith family register. It is also stated that respondents are illegally detaining the retiral benefits to the applicant. On the other hand, there is no record to substantiate any claim in favour of Smt. Bitola Devi. The respondents have merely stated that because of the claims being made by two women, the Railway Administration is not in a position to give the retiral benefits.

5. In view of the above facts, things cannot be allowed to rest as they are. The claim of the applicant NO.1 has to be decided this way or the other. It is also seen that to date, she has not been able to get a succession certificate in her favour but her claims cannot be denied on the ground that she is not having the succession certificate. It is for the Railway Administration to decide the matter on the basis of record made available by the applicant and either to accept her claim or to reject it. Respondents are directed to decide the claim of the applicant No.1 within 2 months from the date of receipt of a certified copy of this order on the basis of documents already furnished by her and inform the applicant accordingly.

6. With the above directions/observations, the O.A. is disposed of. No costs.



Manish
Member (A)

Manish/-