

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/020/567/2019

HYDERABAD, this the 19th day of April, 2021

Hon'ble Mr. Ashish Kalia, Judl. Member



Smt Addagatla Jyothna @ Mary Josephine,
W/o. Late Bala Mohan, aged about 40 years,
Occ: Staff Nurse (State Govt.)
Ex-Tech-I, O/o. SSE/Chg/BZA,
S.C. Rly, R/o. C/o. Mary Margaret, Gr. C,
H.No.47/A, Rama Krishna Residency,
Chinthal Basthi, Hyderabad.
Telangana ó 500 040.

...Applicant

(By Advocate : Sri B. Rajesh Kumar)

Vs.

1. Union of India rep. by its
The Chief Personnel Officer,
S.C. Railway, 4th floor,
Railnilyam, Secunderabad, Telangana.
2. The Divisional Railway Manager,
S.C. Rly, Vijayawada Division, Vijayawada,
Krishna District, A.P.
3. The Sr. Divisional Personnel Officer,
S.C Rly, Vijayawada Division, Vijayawada,
Krishna District, A.P.
4. P. Vanaja Kumari,
Occ: Railway employee,
R/o. D.No.18-11-24/38,
KCP Colony, Kudhas Nagar, S.N. Puram,
Vijayawada.

... Respondents

(By Advocate: Sri M. Venkateswarlu, SC for Rlys.)

ORAL ORDER
(As per Hon'ble Mr. Ashish Kalia, Judl. Member)

Through Video Conferencing:



The following relief is sought by the applicant in the present O.A.:

“to direct the Respondent No.2 & Respondent No.3 to release all the death-cum-terminal benefits of late A. Bala Mohan and sanction new pension to the applicant at the earliest.”

2. The applicant's husband passed away on 16.5.2019. The applicant has prayed for family pension on 10.06.2019. She has come to know that C. Vanjana Kumari, Respondent No.3 got married to her husband on 5.11.2009 and hence the department has not been paying family pension to her. She is claiming to be the first wife of the deceased employee. It is also brought to the knowledge of this Tribunal that the applicant has filed one divorce petition No.93/2009, which was later on withdrawn. Sri G. Pavana Murthy, learned counsel for the applicant has submitted at the bar that as on date in the absence of divorce decree, the applicant is the legally married wife of the deceased employee.

3. Notices were issued. Respondent No.3 also put appearance. Official respondents have filed reply.

4. The basic contention raised by the respondents is that on their records, the names of C. Vanjana Kumari and her daughter are mentioned, while availing the Railway passes. The name of the applicant is not there in their records. Thus, they are not able to pay



pension to the applicant. Sri V. Vinod Kumar, learned Standing Counsel for Railways has relied upon a judgement passed by the Hon'ble Apex Court in the matter of **Rameshwari Devi vs State of Bihar & Others** [2000(2) SCC 431] wherein the case of two wives is there, the question pertains to payment of family pension. The plea raised in second marriage was raised in violation of conduct rules applicable to the deceased employee. Doors of Civil Courts are always open to any party, who is entitled for pensionary benefits.

5. Learned counsel for Respondent No.3 Sri Ramakrishna maintains that his client is entitled for family pension.

6. After hearing the learned counsel for the parties at length, the Tribunal is of the view that first a valid declaration by a Civil Court as to whether the marriage of the applicant (A. Jyothna) with the deceased employee still subsists or not has to be obtained. At this stage, learned counsel for the applicant, who is agreeable on this count, submits that till then, the family pension should not be paid to anyone. This is a fair submission at the bar. After considering the same, this Tribunal orders accordingly that till the Civil Decree is placed on record by any of the wives of the deceased employee to be the legally wedded wife, the family pension shall not be released.

7. With the above observation, the O.A. is disposed of with liberty to the applicant to re-approach this Tribunal, if the grievance still subsists. No order as to costs.

(ASHISH KALIA)
JUDICIAL MEMBER

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