

**Central Administrative Tribunal
Jaipur Bench, Jaipur**

O.A. No.283/2017

Date of decision:17.08.2021

**Hon'ble Mr. Dinesh Sharma, Member (A)
Hon'ble Mrs. Hina P. Shah, Member (J)**

Parmeshwari wife of Late Shri Vijay Singh aged about 40 years, resident of Village & Post Kesarpura Via Saradhana, District Ajmer.

...Applicant.

(By Advocate: Shri C.B.Sharma)

Versus

1. The Union of India, through General Manager, North Western Zone, North Western Railway, Near Jawahar Circle, Jagatpura, Jaipur-302017.
2. Divisional Railway Manager, North Western Railway, Ajmer Division, Ajmer.
3. Senior Divisional Personnel Officer, North Western Railway, Ajmer Division, Ajmer.

...Respondents.

(By Advocate: Shri Anupam Agarwal)

ORDER (ORAL)

Per: Dinesh Sharma, Member (A):

In this OA the applicant has prayed for the following reliefs:

- “(i) That the entire record relating to the case be called for and after perusing the same respondents may be directed to release family pension to the applicant from the year 2006 along with interest from the date of death of her husband @ 12% per annum till

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payment by quashing letter dated 06.06.2016 (Annexure-A/1) with all consequential benefits.

- (ii) That the respondents be further directed to release difference of settlement dues on account of revision of pay scales time to time, as paid as per succession certificate 2013 along with arrears of difference with all consequential benefits.
- (iii) That the respondents be further directed not to demand succession certificate again & again and act as per provision of Railway Services Pension Rules 1993.
- (iv) Any other order, direction or relief may be passed in favour of the applicant which may be deemed fit, just and proper under the facts and circumstances of the case.
- (v) That the costs of this application may be awarded."

2. In the impugned letter dated 06.06.2016 at Annexure A/1, the respondents have asked the applicant to produce a revised succession certificate.

3. The facts of the case, very briefly summarised, are as follows. The applicant claims to be the third wife of the deceased Railway employee, who had, before marrying her, allegedly married two others, in succession, named Gita and Sita. Sita died leaving two kids, who the applicant is stated to be taking care of. Since the deceased Railway employee (husband) had not nominated anyone after nominating Sita, the Respondent Railway authorities could not disburse the amounts due to the deceased Railway

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employee or the family pension to the applicant without a succession certificate. She did produce a succession certificate which the Railways accepted with respect to the GPF dues. However, due to lack of any specific mention, it could not be accepted with respect to the family pension and that is the reason for writing the letter to the applicant at Annexure A/1. The applicant now wants us to direct the Railways to release family pension with interest and consequential benefits, without insisting on demanding succession certificate again and again.

4. A reply has been filed by the respondents in which they have justified their seeking further succession certificate. It is stated that they could not release anything to the applicant beyond what was specifically mentioned in the earlier succession certificate, due to uncertainties and possibilities of rival claims regarding the legality of applicant's marriage with the deceased employee.

5. The case was finally heard on 17.08.2021. The learned counsel for the applicant informed that the applicant has already got a revised succession certificate, dated 06.01.2018, from the competent court. A copy of it was produced before the Tribunal and it is allowed to be taken on record. The learned counsel for the respondents fairly

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admitted that if the same is produced before the competent authorities, the authorities would take further necessary action to release the dues mentioned in this certificate, to the applicant.

6. In the light of these submissions, the O.A. is disposed of with a direction to the applicant to produce the revised succession certificate, if it is not already produced, before the competent authorities of the respondents. This should be done within a period of one month from the date of receipt of a certified copy of this order. On such production, the respondents will take appropriate necessary action to release the DCRG amount, the Insurance money and the pension, as mentioned in the revised succession certificate, dated 06.01.2018, issued in C.I.S. No 327/2015, by the District Judge, Ajmer. A failure to release these dues, after production of the above mentioned revised succession certificate, even 6 months after the production of that document, would entitle the applicant interest at the rate of 6% from the date of production of that document, till the money is actually paid. No costs.

(Hina P. Shah)
Member (J)

(Dinesh Sharma)
Member (A)

/kdr/

