

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL(ALLAHABAD BENCH)ALLAHABAD.

S.A.NO. 142

OF 1990

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T.A.NO.

Date of decision: _____

Smt. Anjani Devi
..... Petitioner

U.S.Pandey
..... Advocate for the petitioner.

Versus

Union Of India & others
..... Respondents.

A.K.Gaur
..... Advocates for the Respondent(s)

CORAM :-

The Hon'ble Mr. A.K.Sinha, Member-J

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the judgment ? ✓
2. To be referred to the Reporter or not ? ✓
3. Whether their Lordships wish to see the fair copy of the judgment ? ✓
4. Whether to be circulated to all other Benches ? ✓

NAQVI/

Signature

6/4/93

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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

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Original Application No. 142 of 1990

Smt. Anjani Devi Applicants.

V E R S U S

Union of India & others Respondents.

Hon'ble Mr. A.K.Sinha, Member-J

One Smt. Anjani Devi claiming herself as the widow of late Lala alias Lalay S/O late Jangali, permanently employed in class IV service as Gangman on 28.1.1960 under Permanent Way Inspector, Northern Railway, Allahabad who died on 4.2.1989 in the Railway hospital, Allahabad due to T.B, has claimed the pensionary benefits etc and other dues of the deceased employee as the legally married wife which has since been denied to her by the respondents inspite of representations in writing as well as requesting them orally and produce relevant document of proof in respect thereof. It was alleged that some officials of the Railway Administration in collusion with one Smt. Sugan Devi had managed the payment of the part of the settlement dues to the said Sugan Devi without any knowledge of the applicant and that the applicant gave several reminders to the respondents without action, and therefore, the necessity of this application under Section 19 of the Administrative Tribunal's Act, 1985 praying that the respondents be directed to

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make payments to the applicant family pension etc. with interest and further to appoint her own son Raja Ram under the Rules of the Railway Administration on compassionate ground upon the death of late Lala alias Laley the bread earner of the family.

2. The respondents appeared on notice and filed their Counter Affidavit repudiating the claim of the applicant stating inter alia that after the death of late employee Lala, the Gangman on 11.2.1989 his legally married wife Smt. Sujan Devi, who on enquiry was found to be the genuine claimant has been paid her settlement dues. It has been alleged that the certificate of the Gram Sabha, Annexure-1 affidavit of Smt. Sujan Devi Annexure-3 statement of the applicant before the Railway Administration, Annexure-4 and the letter of the Railway Administration dated 8.11.1990, Annexure-5 and letter dated 25.2.1991, Annexure-6 would clearly show and prove that the applicant is not the legally married wife of the deceased employee Lala and as a matter of fact she is widow of one Gopali and that her claim that she is the widow of the deceased employee Laley, is a bogus claim set up on account of pressure laid on her by her son Raja Ram for ulterior gain. It was further stated that the applicant was asked by the Railway Administration to produce succession certificate from the Court in respect of her becoming the widow of late Laley but the applicant has not produce the same because her claim being bogus, it has been submitted that this application should be dismissed.

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3. The question for consideration is whether or not the applicant is entitled to the reliefs claimed by her on the facts and circumstances of the case!

4. I have the learned counsels of the parties and have gone through the various documents filed in support of their respective claims. This Court is not a Court of fact where disputed question of facts could be probed into and decided for which the Court of contempt jurisdiction has to decide as to whether or not the applicant is the legally married wife of Lala alias Laley or whether Smt. Sugan Devi is the legally married wife of the said deceased employee.

5. However, on perusal of the documents filed before this Tribunal, it appears that the Railway Administration had, on due enquiry, found that Smt. Sugan Devi is the widow of late Laley and admitted her claim and settled her dues which has been paid to her. It is further clear from Annexure-4, which is a statement of the applicant before the Railway Administration where she had admitted that she was not the widow of late Laley and that she had filed her claim on duress and coercion put by her son who had threatened her to kill if she did not lay her claim as widow of late Laley. It would further appear from Annexure-4 that before the Railway Administration she had admitted that as a matter of fact she was widow of one Gopalji she had also expired. As against

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that, the respondents have produced Annexure-1 dated 14.4.1990 which is a certificate from the Pradhan of Gram Sabha stating therein that Smt. Sujan Devi was the widow of Jangali and she was the only wife of late Lala and he had no issue. This document has been duly attested by the members of the Gram Sabha. Annexure-2 dated 10.2.1990 is another certificate of Pradhan of village Panchayat that the applicant Anjani Devi is the wife of one Gopali S/O Shambu and that she has 4 sons. This document is also attested by the members of the Gram Sabha. Annexure-3 is the Affidavit shown by Smt. Sujan Devi dated 27.12.1989 which on perusal would show that she has clearly stated on Affidavit that she is the wife of late Lale, S/O Jangali.

6. On perusal of these documents, it is absolutely clear that it has been proved by reliable and cogent evidence before the Railway Administration, which has found on enquiry to be genuine, that Smt. Sujan Devi was the only widow of the deceased Lale, the Railway employee, and the Railway Administration has admitted her claims and made payments to her.

7. So far the documents filed by the applicant is concerned, they are absolutely ~~unreliable~~^{and} on the very face of it neither they are duly attested by any reliable witnesses nor any Affidavit has been ~~shown~~^{by} the applicant in this behalf, on the contrary, the applicant had clearly admitted

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before the Railway Administration that the claim filed by her as widow of late Laley is false.

8. Considering all these materials on record and the submissions of the learned counsels of the parties, I am quite clear in my mind and hold that the applicant has failed to prove her case.

9. In the result there is no merit in this application and the same is accordingly dismissed. There will be no order as to cost.

Shree Kumar Singh
Member-J

Allahabad Dated:

6-4-93.

(jw)