

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.91 OF 2003

ALLAHABAD THIS THE 7TH DAY OF FEBRUARY, 2003

HON'BLE MRS. MEERA CHHIBBER, J.M.

Smt. Gulabi Devi alias Gayatri Devi,  
W/o late Sri Arjun Kumar,  
R/o Mohalla-Jatepur North,  
Near Harahwa Phatak,  
Gorakhpur.

.....Applicant

(By Advocate Shri B. Tiwari)

Versus

1. Union of India,  
through the General Manager,  
N.E. Railway,  
Gorakhpur.

2. Chief Controller of Stores,  
N.E. Railway,  
Gorakhpur.

3. Nirmala Devi,  
O/o Sri Raja Ram,  
R/o Nichlaul Town Area,  
Near Police Station,  
District, Maharajganj.

.....Respondents

(By advocate Shri K.P. Singh)

ORDER

By this O.A. applicant has sought a direction to the respondents to give family pension from 11.12.99 and other pensionary benefits after the death of her husband Sri Arjun Kumar, who was working as Head Clerk under respondent no.2. She has also claimed 18% interest on delayed payment of family pension and other pensionary benefits.



2. It is submitted by the applicant that she is legally wedded wife of Late Shri Arjun Kumar and her marriage was solemnised on 25.04.1974. The husband of applicant Shri Arjun Kumar died on 11.12.1999 and thereafter she preferred an application for her compassionate appointment and for payment of G.P.F., Gratuity and family pension etc. but the Railway authorities had not taken any action in this behalf so far. She has submitted that she was orally informed by the office that another lady namely Smt. Nirmala Devi, respondents no.3 herein had also moved an application for payment of family pension alleging herself to be the legally wedded wife of Late Shri Arjun Kumar. She has submitted that since she was <sup>alive and 1st</sup> still wife of <sup>have</sup> Late Shri Arjun Kumar, the deceased employee could not/re-married as it is prohibited under Rule 21 of the Railway Servants (Conduct) Rules 1966. She has also filed Civil Suit No.54 of 2000, Gulabi Devi alias Gayatri Devi Versus Union of India, before the court <sup>and</sup> was of the view that <sup>since</sup> this is a service matter so ~~that~~ it would lie within the jurisdiction of Tribunal. She has also submitted that so far there has not been any divorce between her and Late Shri Arjun Kumar, Therefore, she is entitled for all the benefits after the death of her husband. She has, thus, claimed the reliefs as mentioned above. Learned counsel for the applicant <sup>did</sup> not file the letter with the O.A. and has produced the same in the court which is duly acknowledged by the respondents on 13.03.2000. This letter is taken on record.

3. Learned counsel for the respondents was seeking time to file his reply but I do not think it would be necessary to <sup>any reply</sup> call ~~for~~ from the respondents at this stage, as the first step <sup>that</sup> is required to be done is that, respondents should look into their records as to whether the nomination has been filed by the employee and after looking into the records they must pass appropriate orders on the application moved by the



applicant in accordance with law. In case there is any dispute between the two ladies who claim<sup>ed</sup> to be the wife of Late Shri Arjun Kumar, the respondents shall direct both the ladies to produce seccession certificate because in such a case eventually it is only the court of law that can determine and decide <sup>or</sup> ~~to~~ declare the status-~~and~~ of real wife. Accordingly, this O.A. is disposed of at the admission stage itself, by giving a direction to the respondents to pass appropriate <sup>on applicant's representation H</sup> orders in accordance with law within a period of three months from the date of receipt of a copy of this order and communicate the same to the applicant. Copy of the application which has been produced by the applicant's counsel may be given to the respondent's counsel who may send it to the authorities concerned. *In case applicant is still aggrieved, it would be open to her to file the case at appropriate stage H.*

4. With the above directions the O.A. is disposed of with no order as to costs.



Member-J

/Neelam/