

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated: This the 14th day of Mar 2006.

Original Application No. 1042 of 2003.

Hon'ble Mr. K.B.S. Rajan, Member (J)

Malati Devi,
Widow of Late Raja Ram.
C/o Shri Nand Kumar, Diamond Studio,
Jai Hind Market, Shukla Ganj,
District Unnao.

..... .Applicant

By Adv: Sri O.N. Tripathi

V E R S U S

1. Union of India through Ministry of Defence,
NEW DELHI.
2. Commandant, Central Ordnance Depo (C.O.D.)
Kanpur Nagar.

..... . Respondents

By Adv: Sri S. Singh

O R D E R

By K. B. S. Rajan, Member-J

The anxiety of the respondents in ensuring that the terminal benefits in respect of the deceased employee Raja Ram should reach the legitimate legal heir is very much appreciated. However, the question is whether the claimant, the applicant to this OA has not proved her case that she is the legally wedded wife of late Raja Ram.

2. Bare minimum facts necessary for adjudication of this case are as under:-

The petitioner's husband late Shri Raja Ram, Ticket no.2090/M.S.S.T/Mechinist was working in the Ordnance Depo, Kanpur and while in service period expired on 15.12.2000. The commandant vide letter dated 19.3.2001 asked the applicant to complete all the formalities by completing the requisite papers towards the payment of pension and other pensionary benefits, upon which the applicant completed all the formalities towards her pensionary benefits. The applicant also furnished the succession certificate issued by the District Magistrate and also filed the Central Government Health Scheme, Identity Card bearing the photographs of the applicant alongwith her four sons duly signed by late Shri Raja Ram and verified by the Personal Officer for Commandant, C.O.D., Kanpur. The applicant made representation with the prayer to release her pensionary benefits but nothing has been paid till today.

3. The hesitation on behalf of the respondent in releasing the amount to the applicant is contained in the CA and the same is as under:-

a. The deceased employee was initially married to one Smt. Ketaki Devi and an entry to this effect exists in the service record of the

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deceased employee. The deceased employee submitted an application dated 30.09.1979 stating that Smt. Ketaki Devi is nick name of Mrs. Malti Devi and requested to mention the name as Smt. Malti Devi alias Ketaki Devi. Accordingly, the name of Smt. Malti Devi was endorsed in the records.

b. After the death of the deceased employee at the time of preparation of final pension documents, Smt. Malti Devi was written. Smt. Malti Devi revealed that Smt. Ketaki Devi has died in 1981 and later on she produced death certificate of Smt. Ketaki Devi whereas as per earlier written statement of the deceased employee Smt. Ketaki Devi and Smt. Malti Devi is the name of same lady and Ketaki Devi is nick name of Smt. Malti Devi. A letter was sent to Smt. Malti Devi on 17.4.2001 asking her to produce the death certificate of Smt. Ketaki Devi in case she is dead or in case of divorce relevant documents to this effect be produced to this officer for consideration of her case for family pension.

c. Smt. Malti Devi submitted the death certificate of Smt. Ketaki Devi wife of Raja Ram Nigam R/o 39/41, Maida Bazar, Kanpur in which the date of death of Smt. Ketaki Devi was mentioned as 15.1.1991 and the death certificate was issued

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on 11.7.2001 which all created doubts. A letter was sent to S.S.P. Kanpur Nagar for ascertaining whether Smt. Ketaki Devi is different or Smt. Malti Devi and Smt. Ketaki Devi is one lady. Two reports received contradict each other. Apart this the deceased had also submitted a representation dated 11.7.2000 which cast doubt on Smt. Malti Devi accordingly the pension claim has been withheld in abeyance so that there is no loss to the State and the right of the claimant is not hampered.

4. Arguments were advanced and the pleadings perused. The primary doubt that had clouded the minds of the respondents is that late Raja Ram, whose first wife was named Ketika Devi had earlier given to understand that the very same Ketika Devi had another name called Malti Devi. Again, in respect of her death, as per some document the same was reflected as in 1991, while the applicant had stated that the said Ketika Devi died in January, 1981 and she was married to Late Raja Ram in June, 1981.

5. The applicant, in order to prove the fact that she is the living wife of late Raja Ram has produced the following documents:-

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(a) CGHS Identity card containing the photos of the members of the family and the names of family members, including the applicant's name (Annexure A-3) issued in January, 1997, by the Ministry of Health and Family Welfare, with the authentication (Rubber Stamp) of the office of the respondents.

(b) Letter dated 9th Feb. 2001 issued by the Commandant, Central Ordnance Depot, Kanpur, informing the applicant that a sum of Rs 6,000/- was available to her under the death benefit scheme. This was issued for the Commandant by the Asst. Labour Welfare Officer. (Annexure A-1)

(c) Letter dated 19th March, 2001 from the Commandant to the applicant relating to fulfilling the formalities for family pension. (Annexure A-2)

(d) Certificate dated 18-07-2002 from the District Magistrate, indicating that the applicant is the wife of late Raja Ram and giving other particulars of the family. (Annexure A4).

6. In addition, the detailed Inspection Report dated 26th September, 2002 from the Station House Officer of Kanpur addressed to the Senior Superintendent of Police, Kanpur, certifying that the applicant is the widow of late Shri Raja Ram,

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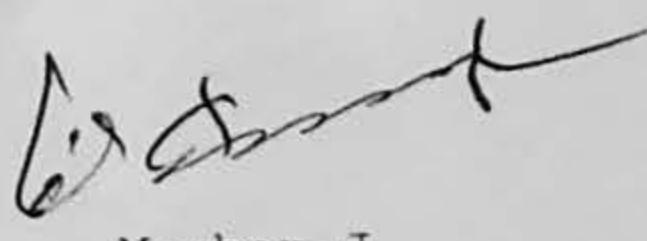
produced by the respondents, vide Annexure CA 3 also supports case of the applicant.

7. Of the above, the CGHS Identity card includes the photographs of the family members and the same had also been authenticated by the Respondents. The Certificate from the D.M. and the inspection report from the Local Police being confirmation from public authorities, whose certificates carry full weight, there should be no reason to disbelieve the same. Just because, certain other documents more ambiguous in nature had come to the hands of the respondents, their raising doubt on the issue does not appeal to logic. The applicant has done all the things that she could within her means do. Nothing more left; nor anything specific has been the requirement of the Respondents. If the respondents have felt something that the amount should pass on only to right person, there are always ways and means to secure necessary security of the amount that may be made available to the applicant. An indemnity bond could always be obtained. If the deceased had left any property, the same could be taken as a collateral security. Instead, refusing to accept all the evidences furnished by the widow and not coming up with the exact requirement to satisfy the respondents in regard to prove the legitimacy of the relationship would only show that the respondents are not prepared to disburse the terminal benefits

to the widow, though the applicant is entitled to the same.

8. In view of the above, the OA succeeds. The respondents are directed to make available necessary forms to the applicant for filling up the same so that the process of payment of terminal benefits of Late Raja Ram, T. No. 2090, Machinist in the office of Central Ordnance Depot, Kanpur would commence and conclude at an early date and the applicant be disbursed the dues of her husband including the family pension. For this purpose, the respondents are at their liberty to secure any indemnity bond and surety bonds as per the Rules or in the alternative, in case there be any immovable property left by late Raja Ram, the same as a collateral security may also be obtained.

9. The exercise should be completed within a period of three months from the date of communication of this order. No cost.



Member-J

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