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Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH,  
ALLAHABAD**

ORIGINAL APPLICATION NO.294 OF 2007

ALLAHABAD THIS THE 18<sup>th</sup> DAY OF January, 2008

HON'BLE MR. JUSTICE KHEM KARAN, VICE-CHAIRMAN

- 1 Priyanka Thomas.
- 2 Priya Thomas

Both daughters of Late Thomas under the natural guardianship of maternal aunt (Mausi) R/o Chandanvan, Phase -II, District Mauthra

.....Applicants.

(By Advocate Shri Naveen Srivastava)

V E R S U S

1. Union of India through Secretary, Railways, (Rail Bhawan), New Delhi.
2. Additional Railway Manager, Jhansi Division, Jhansi.
3. The General Manager, N.C.R., Allahabad.
4. Senior Division Employment Officer (Sr. DPO) Jhansi.
5. Smt. Marya Paul wife of Paul Chatterjee, R/o House No.754, D.R.B. I Rani Luxmi Nagar, Railway Road, Jhansi.

.....Respondents

(By Advocate: Sri P.N. Rai)

O R D E R

These two applicants namely Priyanka Thomas and Priya Thomas claimed to be daughters of late Thomas, who died in harness, while still in service of the respondents. They say that they being natural daughters of late Shri Thomas, are entitled to terminal benefits and family pension etc. They say

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that respondent No.5 Smt. Marya Paul has also staked her claim saying that she is widow of late Shri Thomas. It is stated that on the instructions of the department, both these applicants approached the Civil Court for grant of a succession certificate and the concerned Civil Court at Mathura granted succession certificate in their favour. Shri Srivastava has stated that respondent No.5 has also filed one suit in Civil Court <sup>at</sup> Jhansi and according to the instructions given to him, ~~that~~ <sup>the</sup> said suit is pending.

2. The main dispute between the applicant and respondent No.5 is as to whether Smt. Mariya Paul-respondent No.5 is legally wedded wife of late Shri Thomas and she is also entitled to the terminal benefits according to the Rules. Such a dispute, in my view, is not a service matter and it can be properly and effectively adjudicated only by the Civil Court and not by this Tribunal. The parties are also before the Civil Court. The official respondents will go by the final decision so taken, or to be taken by the Civil Court and till then the respondents will not release such benefits and <sup>will not</sup> ~~only~~ <sup>after</sup> according to the verdict of the Civil Court.

3. So, this OA is finally disposed of with a direction that who so approaches the respondent Nos.1 to 4 with appropriate orders of competent Civil Court showing him or her as legal heirs of late Shri Thomas, they will pay the retiral benefits

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to such person or persons accordingly, but with a rider that if the applicants reach them with some orders of Civil Court, then the release of terminal benefits to them shall be <sup>considered</sup> ~~released~~ only after due notice to the respondents No.5, and if the respondent No.5 reaches them with any such orders then the benefits shall be released to her after due notice to the applicant. This view is being taken to avoid any further legal complication in the matter. No costs.

/s/ *duroa*  
18.1.08

Vice-Chairman

Girish/-