

**CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK**

ORIGINAL APPLICATION NO.865 OF 2006

Cuttack this the 30th Day of July, 2009

CORAM:

THE HON'BLE SHRI JUSTICE K.THANKAPPAN, JUDICIAL MEMBER
AND
THE HON'BLE SHRI C.R.MOHAPATRA, ADMINISTRATIVE MEMBER

K.Sarojini @ K.Saroja, 44 years, W.o. Kyoppa Rao, C/o.K.Satyam,
Mohapatra Colony, Hatabazar, PO-Jatni, P.S. Jatni, Dist-Khurda

... Applicant

By the Advocates: M/s.M.M.Basu & D.K.Dey

-VERSUS-

1. East Coast Railways represented by its General Manager, PO/PS-
Chandrasekharapur, Dist-Khurda
2. Divisional Railway manager, East Coast Railways, Khurda Road,
PO/PS-Jatni, Dist-Khurda
3. K.Terra Rao, 60 years, S/o. late Venkaiah, Godadharmanagar,
PO/PS-Jatni, Dist-Khurda

... Respondents

By the Advocates : Mr.G.Singh, A.S.C.

ORDER (ORAL)

JUSTICE K.THANKAPPAN, JUDICIAL MEMBER:

1. Applicant, one K.Sarojini @ K.Saroja has filed this Original
Application seeking the following relief:

“...the Respondents 1 and 2 be directed to compel the
Respondent No.3, true correct information regarding his
marital status”

2. It is the case put forward by the applicant that she is the wife of one
K.Terra Rao (Respondent No.3), son of late Venkaiah, who was working as
Peon under Chief Yard Master and now having retired from service in the year
2006 is in receipt of pension. It is the further case of the applicant that
Respondent No.3 has deserted her since 1981 and living with one Sabitri, who



is stated to be kept or concubine. This being the situation, the applicant has shifted herself along with daughter to her brother's house. The applicant has stated that due to poverty she has not taken recourse to law for coercive action against her husband, Respondent No.3 for maintenance or otherwise. In this regard, the applicant had also made a representation to the Divisional Railway Manager, S.E.Railway, Khurda Road as per Annexure-A/1 dated 2.12.1985 praying therein for payment of major share of her husband's earning, i.e., salary in her favour. Be that as it may, now the applicant actually wants to get, we infer, the share of pensionary benefits and pension due to her husband, Respondent No.3 on the basis of Annexure-A/4, wherein a declaration has been made that the present ~~the~~ applicant is his wife.

3. Respondent-Railways have not filed their counter.

4. None appeared for the applicant when called. We have heard Shri G.Singh, learned Addl.Standing Counsel for the Respondent-Railways. However, the learned counsel for the Respondents opposed the prayer of the applicant on the ground that in the absence of an order from appropriate of Court of Law entitling the applicant to the sharing of pensionary benefits or pension, as the case may be, due to her husband (Respondent No.3) it is not possible on the part of the Respondent-Railways to allow the claim of the applicant.

5. We have perused the materials on record and considered the submission made by the learned counsel for the Respondents.

6. The main contention of the applicant in this Original Application is that being the wife of the 3rd Respondents, she is entitled to the sharing of




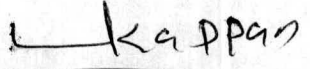
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pension due to her husband and this claim is based on the declaration and affidavit submitted by the 3rd Respondent as per Annexure-4.

7. Having regard to the above submissions, we are of the view that this O.A. is misconceived. The applicant has not produced before this Tribunal any document or order from appropriate Court of Law declaring that she is entitled to the sharing of pensionary benefits and pension due to her husband. It is also not the case of the applicant that the Railway authorities have failed to act upon any such document as referred to above.

8. In view of the discussions held above, this O.A., besides being not maintainable lacks in merit and accordingly, the same is dismissed. No costs.


(C.R. MOHAPATRA)
ADMINISTRATIVE MEMBER


(K. THANKAPPAN)
JUDICIAL MEMBER