

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO.808 OF 2013
Cuttack, this the 2nd day of December, 2013

CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)

1. Smt. Benga Nath,
W/o-Krushna Chandra Nath,
aged about 52 years,
At-Rabana, Po.-Manatira,
Ps.-Kalinganagar-II (Jakhapura),
Dist. Jajpur, Odisha.

Advocate(s)- Mr. S.C. Pradhan

.....Applicant

VERSUS

Union of India represented through

1. The General Manager,
East Coast Railway,
Chandrasekharpur,
Bhubaneswar, Odisha.
2. The Divisional Railway Manager, (Personal),
Khurda Road, At/PO/PS.- Jatni,
Dist.-Khurda, Odisha.
3. Mr. Krushna Chandra Nath,
At-Rabana, Po.-Manatira,
Ps.-Kalinganagar-II (Jakhapura),
Dist. Jajpur, Odisha.
Presently At-Baladia(Nahaka), PO.-Taharapur, PS-Korai, Via-Jajpur
Road, Dist.-Jajpur-755019, Odisha

Advocate(s).....Mr. T. Rath

..... Respondents



ORDER(Oral)**HON'BLE MR. A.K. PATNAIK, JUDICIAL MEMBER**

The Applicant (Smt. Benga Nath) stating to be the wife of Krushna Chandra Nath, a retired Railway employee has filed this Original Application praying therein as under:

“(i) Direction may be given to the Respondent No.2 to entertain the name of the Applicant in the Service Book of her husband i.e. Respondent No.4 by striking down the name of one Kandhei Nath and allowed to get her all the consequential benefits & entitlements in future.”

2. Applicant's case in nut shell is that she is the wife of Shri Krushna Chandra Nath who while working as Ex-Cabin Master in the OPTG Department, Talcher Station under Divisional Railway Manager, ECORailway, Khurda retired from service on 31.8.2013. Her name was recorded in the service book of Shri Krushna Chandra Nath but she came to know that later on, her name was deleted and the name of one Kandhei Nath was inserted. It is the case of the applicant that repeated representation to enter her name as the wife of Shri Nath did not yield any result for which she has approached this Tribunal by filing the instant OA.

3. Heard Mr. S.C.Pradhan, Learned Counsel appearing for the Applicant and Mr.T.Rath, Learned Standing Counsel appearing for the Railway-Respondent and perused the records. On perusal of record, I find that on consideration of the representation, the Respondents in letter dated 15.11.2013 intimated the applicant as under:

“You had submitted a complaint on 27.8.2013 against Sri Krushna Chandra Nath, Ex-Cabin Mster/Gurudijhatia who retired from Railway Service on 31.8.2013 on superannuation of age. In this complaint, you have mentioned that you are his first wife and without mentioning your name Sri Nath has submitted another name and photograph while preparing



settlement papers. So, you have requested to stop settlement payments and inclusion of your name as wife of Shri Nath.

Accordingly, the Railway Administration immediately stopped the DCRG and family pension of Shri Nath. On the same day, the Welfare Inspector advised you for submission of any legal document or Court order (Court attachment/Maintenance etc.) in favour of you. But in spite of submission of above documents, if any, you submitted another complaint on 05.09.2013 enclosing voter list and certificate from Sarapanch of your Panchayat.

You are once again advised to attend this office and submit any legal documents in favour of your claim for further course of action on or before 30.11.2013 otherwise the settlement benefits kept in deposit will be released in favour of Sri Nath to avoid further complication."

4. Section 14 of the Administrative Tribunals Act, 1985 deals with regard to JURISDICTION, POWERS AND AUTHORITY OF TRIBUNALS in which it has been provided as under:

"14. Jurisdiction, powers and authority of the Central Administrative Tribunal.-

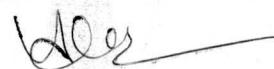
(1) Save as otherwise expressly provided in this Act, the Central Administrative Tribunal shall exercise, on and from the appointed day, all the jurisdiction, powers and authority exercisable immediately before that day by all courts (except the Supreme Court in relation to-

(a) recruitment, and matters concerning recruitment, to any All-India Service or to any civil service of the Union or a civil post under the Union or to a post connected with defence or in the defence service, being, in either case, a post filled by a civilian;

(b) all service matters concerning-

(i) a member of any All-India Service; or
(ii) a person [not being a member of an All-India Service or a person referred to in clause (c)] appointed to any civil service of the Union or any civil post under the Union; or
(iii) a civilian [not being a member of an All-India Service or a person referred in clause (c)] appointed to any defence services or a post connected with defence, and pertaining to the service of such member, person or civilian, in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or of any corporation [or society] owned or controller by the Government;

(c) all service matters pertaining to service in connection with the affairs of the Union concerning a person appointed to any service or post referred to in sub-clause (ii) or sub-clause (iii) of clause (b), being a person whose services have been



placed by a State Government or any local or other authority or any corporation [or society] or other body, at the disposal of the Central Government for such appointment.

[Explanation - for the removal of doubts, it is hereby declared that references to "Union" in this sub-section shall be construed as including references also to a Union territory.]

(2) The Central Government may, by notification, apply with effect from such date as may be specified in the notification the provisions of sub-section (3) to local or other authorities within the territory of India or under the control of the Government of India and to corporations [or societies] owned or controller by Government, not being a local or other authority or corporation [or society] controller or owned by a State Government:

Provided that if the Central Government considers it expedient so to do for the purpose of facilitating transition to the scheme as envisaged by this Act, different dated may be so specified under sub-section in respect of different classes of or different categories under any class of, local or other authorities or corporations [or societies].

(3) Save as otherwise expressly provided in this Act, the Central Administrative tribunal shall also exercise, on and from the date with effect from which the provisions of this sub-section apply to any local or other authority or corporation [or society], all the jurisdiction, powers and authority exercisable immediately before that date by all courts (except the Supreme Court [***] in relation to-

(a) recruitment, and matters concerning recruitment, to any service or post in connection with the affairs of such local or other authority or corporation [or society]; and

(b) all service matters concerning a person [other than a person referred to in clause (a) of sub-section (1)] appointed to any service or post in connection with the affairs of such local or other authority or corporation [or society] and pertaining to the service of such person in connection with such affairs."

5. As it reveals from the record the present dispute is in between the Applicant and Shri Krishna Chandra Nath. The Respondents are under obligation to disburse/release the retiral dues either in favour of the employee and in case of death in favour of legal heirs. According to the Applicant Shri Krishna Chandra Nath, Ex-employee has declared one Kandhei Nath as his wife. If the applicant is the legal married wife, she can obtain such declaration from the appropriate forum and this Tribunal is not the forum to do so. The said Kandhei Nath is not a party in this OA. In the



body of the OA the applicant has stated 'Respondent No.4' but no such Respondent No.4 is available in the cause title. I also do not find any wrong in the decision taken and communicated by the Respondents vide letter dated 15.11.2013. The present grievance is also not coming within the purview of the provision of Section 14 of the A.T. Act, 1985 as could be evident from the portion extracted above. In view of the above, this OA stands dismissed by leaving the parties to bear their own costs.


(A.K. Patnaik)
Member (Judicial)