

(7)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

Dated : 20.7.1998.

O.A.No. 389/1997.

Nirmala Sharma W/o Late Shri Bhagwan Dass, Aged 55 years, R/o D/26, Shastri Nagar, Near Duplex Colony, Bikaner, Ex.CTI, New Delhi, Railway Station.

..... APPLICANT

VERSUS

1. General Manager, Northern Railway, HQ Office, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Delhi Division, New Delhi.
3. Senior Divisional Personnel Officer, Northern Railway, Delhi Division, New Delhi.
4. Divisional Personnel Officer, Northern Railway, Delhi Division, New Delhi.
5. Shri Remal Dass, Clerk, Eng. Branch, WI Section, Northern Railway, Delhi Division, New Delhi.

.....RESPONDENTS

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Mr. Y.K.Sharma, counsel for the applicant.

Mr. V.D.Vyas, counsel for the respondents.

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CORAM :

HONOURABLE MR. A.K.MISRA, JUDICIAL MEMBER

HONOURABLE MR. GOPAL SINGH, ADMINISTRATIVE MEMBER

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PER MR. A.K.MISRA, MEMBER (J) :

The applicant has filed this O.A. alleging herself to be widow of Late Shri Bhagwan Dass who was a Railway employee. The applicant has sought the relief that the respondents be directed to release the family pension to the applicant and calculate the other pensionary benefits and settle them alongwith 12% interest.

Bm

2. Notice of the O.A. was given to the respondents who have filed their reply in which it has been alleged by the respondents that applicant is not a legally wedded wife of the deceased Bhagwan Dass. The respondents have also alleged that a civil suit between Shri Remal Dass Sharma and Nirmala Sharma, Ms. Anu Sharma and the Railway Authorities, is pending in the Court of Senior Civil Judge, Delhi in which the plaintiff Remal Dass Sharma has claimed the pensionary benefits of Shri Bhagwan Dass. In view of the litigation between the parties before a competent court, the present OA is not maintainable. Shri Remal Dass Respondent No. 5 has not filed any reply in spite of notice.

3. We have heard the learned counsel for the parties and gone through the pleadings. Respondent No. 5 is unrepresented.

4. In this case the applicant has come in this Tribunal with the claim that she is the legally wedded wife of the deceased Railway employee. This status of the applicant has been disputed by the respondents. The learned counsel for the applicant has submitted that he will submit Succession Certificate of competent court which will prove the claim of the applicant for claiming the pensionary benefits. But in our opinion this Tribunal would not discuss and decide the status of the applicant for purposes of claiming the pensionary benefits. The applicant has to secure declaration of a competent court establishing her identity as legally wedded wife of the deceased Bhagwan Dass. In our opinion, the present O.A. is not maintainable at this stage. The O.A. deserves to be dismissed and is hereby dismissed. Cost easy.


(GOPAL SINGH)
Administrative Member


(A.K. MISRA)
Judicial Member

MEHTA

8/5/82
J. H. H.

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Fidelity
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Part II and III destroyed
in my presence on 29.3.2006
under the supervision of
section officer (1) as per
order dated 28.1.2006

Section officer (Record)