

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH; JODHPUR****Original Application No. 255/2009****Date of decision: 25.03.2011****CORAM: HON'BLE DR. K.B. SURESH, MEMBER (J) &**

Smt. Pushpa Devi widow of late Sh. Gordhan Parihar aged about 64 years, Ex. Boiler Maker-II, under the Loco Foremen, North Western Railway, Jodhpur, presently R/o 100, Rajeev Nagar 'A' Mahamandir, Jodhpur.

..... Applicant

Mr.N.K. Khandelwal, Counsel for the applicant.

**Versus**

1. The Union of India through the General Manager, North Western Railway, Headquarters Office, Jaipur.
2. The Divisional Railway Manager, North Western Railway, Divisional Office, Jodhpur.
3. The Senior Divisional Personnel Officer, North Western Railway, Divisional Office, Jodhpur.
4. The Divisional Mechanical Engineer, North Western Railway, Divisional Office, Jodhpur.

..... Respondents

Mr. Vinay Jain, counsel for the respondents.

**ORDER (Oral)****Per Dr. K.B. Suresh, Member (Judicial)**

Heard the learned counsel for the parties.

2. After hearing the issue in detail the issue which remains to be decided is only as to what is the status of the applicant. The Railways would say that the status of applicant as wife of the deceased have been severed by a decree of divorce granted by the Family Court at Jodhpur vide Judgment dated 5.6.1997. Sh. Khandelwal, learned counsel for the applicant produced a translated copy of the said order. It would appeared that the applicant had appeared in that

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case and had contested it by filing a detailed reply, but when it came to the stage of evidence she did not participate in it and a decree was passed against her and the marital relationship which was existing between the applicant and her late husband has been dissolved.

3. Learned counsel for the applicant submitted that he had filed a Petition under Order 9 Rule 13 of CPC for setting aside the decree on the ground of her not being actually in juncture in that case and in fact it was cleverly manipulated by her late husband as she was not having happy husband and wife relationship and that he manipulated the whole process and therefore she is seeking review of that Judgment on the grounds mentioned above. It is further stated that on account of limitation the said application has been dismissed by the Family Court and therefore she is seeking the indulgence of superior Court to grant her relief. However, till she gets her status as wife declared she cannot have any juncture with the Railway. Therefore reserving her rights to do so and granting her liberty to approach the authorities after getting her status declared as lawful wife of the deceased at the time of his death she can avail the liberty to approach Tribunal for reliefs if she is successful in her above attempt.

4. But, till then she has no status as a wife and the contention of the Railway is correct. The O.A. is therefore dismissed, no order as to costs.

  
[DR. K.B. SURESH]  
MEMBER (J)

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दिनांक 21-4-16 के आदेशानुसार  
मेरी स्वीकृति से दिनांक 05-6-16  
को शहर-11

अध्यापक (विज्ञान)  
केन्द्रीय प्रयोगशाला अधिकारण  
जोधपुर न्यायपीठ, जोधपुर