

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No. 57 of 1999

Wednesday, this the 22nd day of March, 2000

CORAM

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

1. K.K. Zaibunnisa,  
W/o late K.P. Moidu,  
(Retired Fitter, Southern Railway, Palghat),  
Residing at: Kuzhikkattil House,  
Mukkatta, Post Nilambur R.S.,  
Malappuram District. ....Applicant

By Advocate Mr. T.C. Govindaswamy

Versus

1. Union of India represented by  
the General Manager, Southern Railway,  
Headquarters Office, Park Town PO, Madras-3
2. The Divisional Personnel Officer,  
Southern Railway, Palghat Division,  
Palghat.
3. Smt. P. Fathimabi, Zuhara Manzil,  
Mundamuka Amsom, Shornur Town, Ottapalam.
4. Smt. P.K. Sainaba, W/o late K.P. Moidu,  
Mundamuka Amsom, Paruthippara Desom,  
Shornur Town, Ottapalam Taluk. ....Respondents

By Advocate Mr. James Kurian (for R1 and R2)

The application having been heard on 22nd March 2000,  
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

The applicant seeks to quash A2 and to declare that  
she is entitled to a share of the family pension admissible  
on account of the death of K.P. Moidu (retired Fitter,  
Grade-I, Southern Railway, Shornur) with effect from  
27-2-1992 and also to direct the respondents to pay the same  
forthwith, with arrears thereof.

2. The applicant claims to be one of the three widows of K.P. Moidu who retired from the Railway service on 31-3-1989. Respondents 1 and 2, instead of dividing the family pension equally among the three widows of Moidu, paid the family pension to the 3rd respondent. The applicant challenges the same.

3. Respondents 1 and 2 contend that the 3rd respondent was nominated by Moidu for the purpose of receiving the family pension. It confirms that the 3rd respondent is the only widow of Moidu. The marriage certificate produced along with the OA cannot be accepted as proof of marriage of the applicant to Moidu. The applicant has no right to claim family pension.

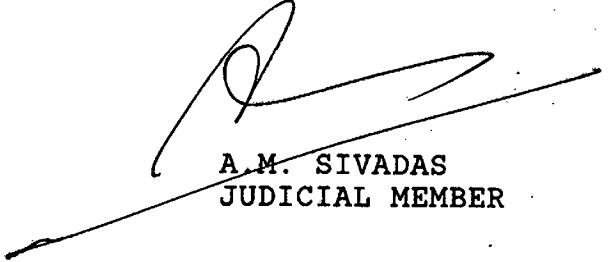
4. A widow is a designated person. But in a case like this where three women who claim to be married to the deceased employee, a muslim, a factual adjudication is necessary as to the status of the three women putting forward the claim.

5. That adjudication must be made by the Railways. Railways may do so with reference to the records maintained by them and on the basis of other material which may be produced before the Railways by the parties. Railways shall determine the dispute after issuing notice to the rival claimants and affording them a reasonable opportunity to

substantiate their respective cases. This exercise shall be completed within four months from the date of receipt of a copy of this order.

6. The original application is disposed of as above. No costs.

Wednesday, this the 22nd day of March, 2000



A.M. SIVADAS  
JUDICIAL MEMBER

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List of Annexures referred to in this Order:

1. A2 - True copy of the letter No. J/P.626/PA 93/22 dt. 23-11-93 issued by the 2nd respondent.