

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.560/2007

Monday, this the 17th day of March, 2008.

CORAM :

HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER

Smt. Sarakutty
Ayyath House, Mamala PO,
Venmanikkara, Ernakulam.

... Applicant

By Advocate Mr.P.K.Madhusoodhanan

V/s.

- 1 The Divisional Personnel Officer,
Divisional Office, Personnel Branch,
Southern Railway, Trivandrum.
- 2 Union of India represented by
General Manager,
Southern Railway, Park Town,
Chennai
- 3 Saramma
Chennoth House,
Chemmanad, Varikkoli PO,
Ernakulam

... Respondents

By Advocate Mr.K.M.Anthru for R-1&2
Mr.S.Radhakrishnan, R-3

The application having been heard on 7.3.2008 the Tribunal delivered the following :

(ORDER)

Hon'ble Shri George Paracken, Judicial Member

The applicant is the former wife of late Shri V.Raju, Gangmate
of the Southern Railway. He died in a train accident while on duty on



16.2.2007. The applicant's prayer in this OA is to declare her as eligible and entitled to get family pension and other monetary benefits legally due from the Southern Railway on the death of Shri .Raju.

2 Brief facts of the case are that the applicant and late Shri V.Raju got married on 31.10.1976. Later, they got divorced on 21.8.89 and the applicant got remarried to one Mr.Eldho on 16.2.1992. The claim of the applicant is that she is entitled for all the terminal benefits including family pension after the death of Shri Raju as her name has been entered in the service records for the said purpose.

3 The Respondents in their reply submitted that when Shri Raju died on 16.2.2007, immediately an amount of Rs.15,000/- towards ex-gratia and Rs.8000/- towards Funeral Advance were granted and paid to the 3rd Respondent, namely, Smt.Saramma. She acknowledged and received the aforesaid amount. It was then that the respondents came to know that Shri Raju had married Smt.Saramma. They have also submitted that the applicant has never been shown as nominee in any of the official records by Shri Raju and even if any nomination is cited, the same is not valid any more. Smt.Saramma, who has been impleaded as the 3rd respondent in this OA has also filed a reply stating that she is the legally wedded 2nd wife of late Shri Raju.

4 We have heard Advocate Shri P.K.Madhusoodhanan for the Applicant and Advocate Shri K.M.Anthru for Respondents 1 and 2 and Advocate Shri S.Radhakrishnan for Respondent no.3. The only question to be decided in this case is whether the applicant is entitled to get the family



pension and other monetary benefits after the death of late Shri V.Raju. According to Rule 54(6) of Central Civil Service (Pension) Rules, 1972, the widow or widower is entitled for family pension upto the date of death or remarriage whichever is earlier. In this case, the applicant has married much before the death of the government servant and she cannot even claim to be a widow of the government servant. Therefore, the question of payment of family pension to her does not arise at all. As far as other terminal benefits are concerned, the respondents have submitted that late Shri V.Raju had never nominated her for any such benefits. In the above facts and circumstances of the case, I consider that this OA is totally devoid of any merit and accordingly the same is dismissed. There shall be no orders as to costs.


(GEORGE PARACKEN)
JUDICIAL MEMBER

abp