

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 201 OF 2008

.....*TUESDAY*....., this the 22ND day of September, 2009.

CORAM:

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

Smt. Santha T.,
W/o. Late Sadanandan,
Chittikonam Thadatharikathu Veedu,
Veliyannoor P.O., Vellanadu,
Nedumangadu.

... Applicant

(By Advocate Mr. P.K. Madhusoodhanan)

versus

1. The Divisional Personnel Officer,
Divisional Office (Personnel Branch),
Southern Railway, Thiruvananthapuram-14.
2. Union of India through the
General Manager, Southern Railway,
Park Town, Chennai-3.
3. Omana C.,
W/o. Late Sadanandan,
Raj Sadanam, Vadakkevayal Thody,
Venkulam, Edava P.O.,
Thiruvananthapuram.
4. Baby, D/o. Late Sadanandan,
Raj Sadanam, Vadakkevayal Thody,
Venkulam, Edava P.O.,
Thiruvananthapuram.

... Respondents

(By Advocate Mr. Thomas Mathew Nellimoottil (R1&2)
Advocate Mr. M.R. Hariraj (R3&4))

The application having been heard on 17.09.2009, the Tribunal
on22-09-09..... delivered the following:

ORDER

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

The applicant through this O.A., claiming herself to be the wife of
late Sadanandan, Staff No. V/T-260, Pointsman, Southern Railway,
Kayamkulam, who died in harness on 17-04-2007, has put forth her claim for

disbursement of terminal benefits payable to the family of the said Late Sadanandan. Also compassionate appointment is sought for. It is the case of the applicant that another lady fraudulently obtained the death claim benefit of the applicant's husband and trying for a job on compassionate grounds. To substantiate her claim, the applicant has produced a copy of the marriage certificate purportedly issued by the Kollam Corporation vide Annexure A-1. Annexure A-2 and A-3 are the copies of the School admission register in respect of the two daughters of the applicant. Annexure A-4 and A-5 are the two representations preferred by the applicant to the respondents.

2. Respondents contest the O.A. According to them, Late Sadanandan had declared the details of the family members according to which one Ms. Omana is the wife of the said individual, and they have three sons and one daughter. This declaration was made as early as on 29th January 1983. Annexure R-1 is a copy of the declaration added to the service book.

3. The applicant impleaded the said Omana and her children as party respondents and on behalf of the impleaded respondents, reply has been filed. According to the party respondents, marriage between Sadanandan and the third respondent was solemnized on 20th Sept 1968 and four children were born out of the wedlock. They had all been living in Railway Quarters with late Sadanandan. The name of the husband of the third respondent is K. Sadanandan, while what Annexure A-1 relied upon by the applicant refers to is Neelam Sadanandan. The said K. Sadanandan was admitted in hospital and when he expired, the funeral rites were performed by Respondent No. 3. The death certificate {Annexure R-3(i)} has been issued by the Trivandrum

Corporation wherein the name of the applicant has been reflected as the 'wife' of late K. Sadanandan. The various annexures added to the counter would show that it is the third respondent who is the widow of late K. Sadanandan. The railway pass issued during the life time of Sadanandan, vide Annexure MA-1 would also go to show that the family of Late Sadanandan consisted of the party respondents.

4. In order to verify the facts, service book of late Sadanandan had been requisitioned and the same has been made available. The service book contains the original of Annexure R-1 declaration made by late K. Sadanandan. There is no reference to the applicant or his two children in the service book.
5. Taking into account the documents filed by the respondents, as well as the declaration as found in the service book, it is very much evident that the claim of the applicant is thoroughly untenable. Annexure A-1 also does not tally with the initials of Late K. Sadanandan. As such, the O.A. is thoroughly misconceived and is therefore, dismissed.
6. Though the private respondents prayed for dismissal of the O.A. with exemplary cost, taking into account the averment made in para 3 of the O.A. "The applicant and her children are living in distress and utter poverty," no cost against the applicant is levied.

(Dated, the 22ND September, 2009.)


Dr.K.B.S.RAJAN
JUDICIAL MEMBER