

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.268/05

Wednesday this the 3rd day of August 2005

C O R A M :

**HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN
HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER**

1. T.Shobhana,
D/o.T.P.Krishnan Nair,
Pariyarthra House, Ayithara Vayal,
Karivellur Post, Kannur District.
2. T.Deepak,
S/o.late U.P.Thamban,
C/o.T.P.Krishnan Nair, Ayithara Vayal,
Karivellur Post, Kannur District.
3. T.Divya,
S/o.late U.P.Thamban,
C/o.T.P.Krishnan Nair, Ayithara Vayal,
Karivellur Post, Kannur District.Applicants

(By Advocate Mr.T.C.Govindaswamy)

Versus

1. Union of India represented by the General Manager,
Southern Railway, Chennai – 3.
2. The Divisional Railway Manager,
Southern Railway, Palakkad Division,
Palakkad.
3. The Senior Divisional Personnel Officer,
Southern Railway, Palakkad Division,
Palakkad.
4. N.Sarala,
Nooridhil House,
Near Chakrapani Temple,
Elambachi Post, Kasargod District.Respondents

(By Advocate Mrs.Sumathi Dandapani [R1-3])

**This application having been heard on 3rd August 2005 the Tribunal
on the same day delivered the following :**

ORDER

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

The 1st applicant herein has submitted that she is the wife of one late U.P.Thamban Nair deceased Railway servant who passed away on 20.9.04. She is aggrieved by the fact that the 4th respondent, alleged to be the 2nd wife, appears to have claimed the benefits of pension due to her and that she has been denied these benefits. The 2nd and 3rd applicants are the children borne out of the wedlock of the 1st applicant and the deceased employee.

2. Respondents have filed a reply statement stating that U.P.Thamban Nair has married the applicant but the marriage has been dissolved by the order dated 8.3.1991 of the Hon'ble Sub Court, Hosdrug (Annexure R-1). Thereafter the late employee had married N.Sarala on 17.3.1991. The late employee has also declared the family composition as consisting of 2nd wife i.e. N.Sarala, and children born to his 1st and 2nd wives. It is also stated that the 2nd wife has submitted application forms for arranging settlement dues of the late employee, however, the children of 1st wife have not submitted the forms yet. It is further stated that as the late employee was an ex-serviceman, his families have to exercise an option for receiving family pension either from Defence Department or Railways.

3. We find from the reply furnished by the respondents that the 1st applicant herein who has been legally divorced has no right for receiving the retirement dues of the late employee U.P.Thamban Nair. Further her



children, 2nd and 3rd applicants, will be eligible for 50% of the pensionary benefits as admitted by the respondents. Counsel for the applicants submitted that in accordance with the statement made by the respondents the 1st applicant may be allowed to submit application forms for arranging settlement dues only for her children.

4. In the light of what is stated above we dispose of this application by permitting the 1st applicant to submit the application forms on behalf of her children i.e. 2nd and 3rd applicants for the pensionary benefits and also exercise option for receiving family pension as required by the Department. The representation may be made within two weeks from the date of receipt of a copy of this order and on receipt of such representation the respondents shall consider the request of the applicant in accordance with rules within a period of three months from the date of receipt of a copy of the representation. The OA is disposed of accordingly. No order as to costs.

(Dated the 3rd day of August 2005)



K.V.SACHIDANANDAN
JUDICIAL MEMBER

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SATHI NAIR
VICE CHAIRMAN

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