

Original Applicatio No. 145 of 2011

This, the 6th day of February, 2015

Hon'ble Sri Navneet Kumar , Member (J)

Zareena Begum aged about 40 years widowed of Late Mustaq Ahmd Ex, T. N. 191F, worked as Tech Grade-I MLD, C& W Shop Northern Railways Almbag-Lucknow R/o 551/G, 21 Purana Sardar Khera, Alambagh-Lucknow

Applicant

By Advocate Sri V. S. Tripathi.

Versus

1. Union of India through Divisional Railway Manager (Norht), Hazartnanj Lucknow
2. Works Manager-C and W sop Northern Railways, Alambgh-Lucknow
3. Deputy, CM. E(W) C and W shop-Northern Railways, Alambagh-Lucknow.

Respondents

By Advocate Sri Rajendra Singh.

ORDER (ORAL)

Hon'ble Mr. By Navneet Kumar, Member (J)

The present O.A. is preferred by the applicant under Section 19 of the AT, Act, 1985 with the following reliefs:

1. Order/Direction may be passed to respondents to pay all post retirement benefits of Late Mustaq Ahmad to the applicant and more specifically to pay family pension to the applicant.
2. Order/Direction may be passed to respondents to pay Gratuity to the applicant.
3. Order/Direction may be passed to respondents to pay Government provident fund to the applicant.
4. Order/Direction may be passed to respondents to pay bonus to the applicant.



5. Order/Direction may be passed to respondents to pay interest on the late payment as applicable in eyes of law.

6. Order/Direction may be passed to respondent to pay damages to the applicant.

2. The brief facts of the case are that the applicant is the third legally wedded wife of the ex-employee and claims for post retiral benefits of her late husband and more particularly family pension. The learned counsel for the applicant has categorically indicated that the applicant's husband died on 4.6.2007 and thereafter, she has made an application for grant of retiral benefits, the same were not paid to the applicant. The learned counsel for the applicant has also categorically indicated through supplementary rejoinder that he has already submitted the death certificate of her earlier husband and also completed the required formalities as directed by the respondents and despite that no admissible retiral dues are paid to the applicant.

3. On behalf of the respondents, reply is filed and through reply, it is categorically indicated that Sri Mustaq Ahmad, who expired in 2007 was firstly married with Ashiya Khatoon and was having three children. It is also indicated that the ex-employee again married Smt. Kamla and they were having two children. Subsequently, the applicant married with Zarina Begum who has not submitted any proof regarding the divorce with Abdul Hafeez nor submitted Nikahnama with Mushtak Ahmad. Not only this, the third wife has also not produced any death certificate of Smt. Ashiya Khatoon and

Smt. Kamla and therefore, her claim is not in accordance with railway rules and law and as such she has no right to claim any settlement dues of the deceased employee. The learned counsel for the respondents has also indicated that the wife of the ex-employee was given an amount of Rs. 5000/- for performing last rites of the deceased employee from Railway Karmachari Kalyan Kosh and after the death when the applicant submitted the settlement papers for all post retirement benefit of the deceased employee, it was inquired and the respondents came to know that the applicant was earlier married with Abdul Haveez with her four children. Through their supplementary counter affidavit, the respondents have reiterated their averments made in the counter reply and denied the averments made in the rejoinder affidavit.

4. On behalf of the applicant, rejoinder is filed and through rejoinder mostly the averments made in the O.A. are reiterated and the averments made in the counter reply and the supplementary counter reply are denied. Apart from this, it is also indicated by the learned counsel for the applicant that he may be given opportunity to indicate and submit the relevant documents to the authorities so that the settlements dues of the deceased employee can be paid to him at an early date. The learned counsel for the applicant has also fairly submitted that the applicant has given the name of the children born with the marriage with Abdual Hafeez as such, he may be permitted to indicate the correct names of the dependants.

5. Heard the learned counsel for the parties and perused the record.

6. The applicant is the third wife of the deceased employee. It is to be pointed that first of all the ex-employee i.e. Shri Mushtaq Ahmad got married with Ashiya Khatoon and was having two sons and a daughter. The applicant is a third wife of Shri Mustaq Ahmad. It is to be pointed out that the first husband of the applicant Shri Abdul Hafeez died on 30th November 1994 and after the death of first husband, the applicant got married with Shri Mustaq Ahmad. The applicant submitted the Nikhanama with her earlier husband which is solemnized in 1979 and subsequently in 1994, the first husband died. Subsequently, the applicant got married with the ex-employee namely Mr. Mustaq Ahmad.

7. Now the question which requires determination is that the claim of the applicant in regard to the retiral benefits of Mohd. Mustaq Ahmad. Apart from this, the applicant has also submitted the death certificate of Smt. A. Khatoon who was the first wife of Mohd. Mustaq Ahmad.

8. Now the question which requires re-determination is in regard to the payment of the retiral dues of the ex employee is concerned, the applicant is required to submit of the relevant documents to the authorities so that the authorities may consider and decide the payment of retiral dues to the applicant.

9. The applicant is permitted to submit the correct names of the dependant members by giving the details.

10. The fresh application for claim of retiral dues giving entire details of dependant members and all the relevant documents be submitted to the authorities within a period of one month from today and in case, the same is submitted the respondents shall take a decision in accordance with law within a next period of 4 months and the decision so taken be communicated to the applicant.

11. With the above observation, the O.A is disposed of.

No order as to costs.


(Navneet Kumar)
Member (J)

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