

**Central Administrative Tribunal, Lucknow Bench,  
Lucknow**

**Original Application No. 137/2006**

this the 12<sup>th</sup> day of December, 2006

**Hon'ble Shri M. Kanthaiah, Member (J)**

Smt. Amina Begum aged about major, widow of late Shri Askari Hussain resident of 296/71, Hata Sangibeg, Shashganj, Chowk, Lucknow.

**Applicant**

By Advocate: Shri Dharmesh Sinha

**Versus**

1. The General Manager, Northern Railway, Baroda House, New Delhi.
2. The Chief Works Manager, Carriage and Wagon Shop, Alambagh Lucknow.

**..Opposite Parties**

By Advocate: Shri Praveen Kumar for Shri M.K. Singh

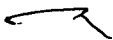
**ORDER**

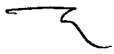
**By Hon'ble Shri M. Kanthaiah, Member (J)**

This is the Original application filed by the applicant to quash the impugned order dated 29.9.2005 covered under Annexure No. 1, by which the claim of the applicant for payment of family pension has been rejected by the respondents, with the following averements:-

2. It is the case of the applicant that her husband Askari Hussain was retired employee of the respondents,

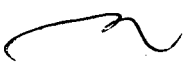
died on 17.12.2002 leaving behind her as wife , three daughters and one son. The first wife of the deceased Hasnaini Begum died on 30.3.1985 and their son Gulam Abbas was also employed in the Railways and he has no objection for grant of family pension in favour of the applicant. she also received an amount of Rs. 76044.32/- from the bank account of the deceased on production of succession certificate. When she made representation for grant of family pension, there was no response , upon which she filed O.A. No. 456/2002 , in which the Tribunal directed vide its order dated 7.5.2004 to the respondents to dispose of the representation of the applicant. Thereafter, respondents have passed impugned order Annexure-A-1 Dt. 29.9.2005, rejecting her claim for family pension against which she preferred this application.

3. The respondents filed counter stating that the deceased Askari Hussain who was appointed on the post of Trade Apprentice w.e.f. 1.8.1935 was superannuated on 31<sup>st</sup> march 1978 as Mistri. After superannuation, he was sanctioned pension and he <sup>did</sup> ~~has~~ not informed the Department about his 2<sup>nd</sup> wife. He also further stated that the order under challenge is well reasoned and speaking order and as such the application is liable to be dismissed.
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4. Heard both the parties.
  5. The point for consideration is whether the applicant is entitled for family pension as prayed for.
  6. The admitted facts of the case are that the deceased Askari Hussain retired as Mistri from the respondent office on 31<sup>st</sup> March, 1978. Thereafter, he died on 17<sup>th</sup> December, 2002. It is also not in dispute that his first wife Smt. Husnaini Begum died on 30<sup>th</sup> March, 1985 during the life time of the deceased. It is also not in dispute that the son of first wife of the deceased Husnaini Begum is also employee in the Railway. The applicant, who claims as second wife of the deceased, obtained succession certificate and received amount lying in the bank of the deceased for an amount of Rs. 76044,32/- and Annexure 5 is the copy of the succession certificate obtained by the applicant. During the life time of the deceased, he never informed the respondent Department that he contacted any second marriage with the applicant herein. When the applicant made representations for grant of family pension on the ground that she is the second wife of the deceased and he married her after the death of ~~her~~ first wife, the respondents have rejected the claim of the applicant covered under Annexure A-1 stating that the deceased
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never informed the Department that the applicant is the second wife.

7. The short point involved in this application is whether the rejection of the claim of the applicant for grant family pension under Annexure -1 Dt. 29.9.2005 is a speaking order or does it require to be quashed, by interference of this Tribunal.
  8. The applicant relied on Annexure-5, under which, applicant obtained succession certificate, claiming as wife of the deceased Askari Hussain, for receiving bank deposits lying in the bank account of the deceased. Though, the applicant obtained such Succession certificate, it was only in respect of Bank deposits of the deceased Askari Hussain and the same is not helpful to say that the applicant was deceased as legal wedded wife of late Askari Hussain. Thus the same is not helpful for denying the claim of the applicant in this case.
  9. Coming to the impugned order covered under Annexure-1 Dt. 29.9.2005, the recital of it shows that the pensioner Askari Husain never informed the department about his marriage with the applicant as second wife either during his service or after retirement . Further, the reasons given in the said impugned order also shows that the deceased employee never filed any document or mentioned in the nomination papers that he married the
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applicant while he was in service . The discussion portion of the impugned order also reveals that there was no intimation of the deceased employee that he married the applicant as 2<sup>nd</sup> wife while he was in service. The order also shows that the deceased employees nominated by showing the name of his wife as Hasnaini Bagam in the nomination papers and other documents in the department. Thus, the respondents have rejected the claim of the applicant for grant of family pension of the deceased Askari Hussain, furnishing all details and also giving reasons for such rejection of the claim of the applicant.

10. Thus , the order covered under Annexure-1 is a reasoned order and when there is no material on record to show that the deceased employee Askari Hussain, married the applicant while he was in service and also when there was no intimation from him even after his retirement till his death,. interfering with such reasoned order of the respondents, is not at all desirable and justified. Thus, there are no grounds to interfere with the orders of the respondents covered under Annexure-1 and thus, the application deserves for dismissal.

In the result, the OA is dismissed . No costs.

  
(M. Kanthaiah)  
Member (J)

12.12.08