

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCHO.A.NO.: 245 OF 2006[Patna, this , the 15th Day of April, 2010]C O R A M

HON'BLE MRS. JUSTICE REKHA KUMARI, MEMBER [JUDL.]

Mosmat – Mundrika Devi @ Mona Devi @ Mana Devi, W/o Late Ram Das Sah @ Ram Das Sao, resident of village – Mankatha, P.S.: - Lakhisarai, District – Lakhisarai, at present residing at Mohalla – Sansar Pokhar, Nahar Ke Pass, Pachna Road, Lakhisarai P.S & District – Lakhisarai.

.....APPLICANT.

By Advocate :- Shri Praveen Kumar.
Shri Rakesh Kumar.

Vs.

1. The Union of India through Secretary, Ministry for Railways, Govt. of India, New Delhi.
2. Secretary, Railway Board, Rail Bhavan, New Delhi.
3. General Manager, Eastern Railway, Kolkata.
4. Dy. Chief Workshop Personnel Officer, Eastern Railways, Jamalpur, District – Munger.
5. The Branch Manager, State Bank of India, Lakhisarai.

.....RESPONDENTS

By Advocate :- Shri Mukund Jee, SC.

O R D E R

Justice Rekha Kumari, M[J] :- The applicant has filed this OA for the release of family pension on the death of her husband, late Ram Das Sah.

2. The case of the applicant is that she is the legally wedded wife of late Ram Das Sah. The first wife of Ram Das Sah died during his service. He married the applicant on 25.07.1991, after his retirement on 28.02.1989.
^{h.e.r}
She is the only wife of the deceased. He was an employee of Jamalpur Rail factory and was getting pension w.e.f. 01.03.1989. He died on 09.12.2003.

After his death, she submitted requisition papers to State Bank of India, Lakhisarai, for starting her family pension but she was advised to contact the Jamalpur rail factory authorities. She filed representation to the Deputy Chief Personnel Officer, Jamalpur rail factory to authorise family pension to her but no action was taken. She sent legal notice but with no effect. She, hence, was compelled to file the OA.

3. The case of the respondents in their written statement, inter alia, is that wife of late Ram Das Sah had pre-deceased him. During his life time he ^{had} filled up Form No.6 on 06.02.1989 for the purpose of family pension whereby he declared his wife, Smt. Mona Devi, dead. He never submitted any paper in the office in support of his second marriage with the applicant. The SDO of Lakhisarai had issued a certificate dated 14.01.2004 which is a residential certificate and does not prove the marriage of the applicant with the deceased.

The case of the respondents hence is that in the absence of reliable evidence the claim of family pension of the applicant cannot be entertained.

4. The applicant in his rejoinder to the written statement has stated that the applicant had married the deceased after his retirement and the deceased had given relevant information along with the ^{affidavit} ~~evidence~~ of the deceased and the applicant in proof of marriage.

5. Learned counsel for both sides were heard.

6. It appears that the applicant has been denied family pension as, according to the respondents, she was not in possession of reliable proof in

support of her marriage with the deceased.

7. The applicant has filed a certificate of SDO, Lakhisarai [Annexure-A/4] to show that she was married to the deceased. But this document is a residential certificate. So, there appears force in the case of the respondents that from the certificate alone, specially when the name therein is mentioned as Mona Devi, alias Muna Devi and Mundrika Devi, it is difficult to believe that the applicant [Mundrika Devi] is wife of the deceased employee.

9. The applicant, however, has stated in her rejoinder to written statement that the deceased had sent information alongwith affidavits of the deceased and the applicant to the authorities regarding their marriage. She has also filed copies of the information and affidavits [Annexures-A/10 to A/10/2] but the respondents have not given any reply to this rejoinder.

10. Under such circumstances, and when the matter relates to the family pension of a poor lady, the respondents are directed to verify whether ^{as contained in Annex-A/10 to Annex A/10/2 was} there is any such information given by the deceased regarding his second marriage, and pass a reasoned order about the admissibility of family pension to the applicant. The applicant is directed to make available copies of the above annexures [Annexures-A/10 to A/10/2] to the concerned respondent within 15 days of this order. The respondent then would pass his order within four months thereafter.

11. OA stands disposed of with the directions as made above.

Rekha Kumari
[Rekha Kumari]/M[J]

skj