

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PATNA BENCH, PATNA.**

**O.A. No. 300 of 2006**

**Date of order : 21.2.2007**

**C O R A M**

**Hon'ble Ms. Sadhna Srivastava, Member ( J )**

Most. Aasha Devi, W/o Late Kishori Rawat, village – Kasimpur  
Dhardhi, P.S. Athmal gola, Patna.

**....Applicant**

**By Advocate : Shri Rajesh Kumar**

**Vs.**

1. The Union of India through the General Manager, Rail Bhawan, New Delhi;
2. The Senior Divisional Railway Manager, E.C. Railway, Danapur.
3. The Senior ( Personnel Administrative ) Divisional Manager, E.C. Railway, Danapur.

**....Respondents**

**By Advocate : Shri Ashutosh Kumar**

**O R D E R**

**Sadhna Srivastava, M ( J ):-**

The applicant is aggrieved with the action of respondents in not paying the retiral benefits to her, despite the execution of Cardex ( family declaration ) by her deceased husband , namely, Kishori Raut, employed as senior Sweeper in carriage and Wagon department of Railway at Patna, who died in harness.

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2. The facts are that when the applicant claimed payment of retiral dues of her late husband, her own relation, namely, Reeta Devi ( wife of Kishori Raut's brother) began to deny the status of the applicant as widow of Kishori Raut. The railway department also fell in line with her and on the basis of some oral enquiry refused to pay the retiral benefits to the applicant. The written statement filed by the respondents also shows that they are placing reliance on the version of Reeta Devi. Thus, it has resulted in non-payment of retiral dues to the applicant. Therefore, she has been made to knock the door of the Tribunal.

3. The question is what was the status of Kishori Raut- married or bachelor at the time of his death. Kishori Raut had declared his status as a married person in the year 1990. The said declaration was made in writing under the signature of Kishori Raut. It is an official document. It bears signature of the railway officers.

4. The Tribunal also perused the original, a copy of which is at Annexure A/3. I do not find any reason to doubt its authenticity. A declaration made by an employee about his marital status and disclosure of the name of his wife therein , which is a part of official

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record, can be brushed aside only when a conclusive evidence in rebuttal is produced. The evidence on which the respondents have placed reliance is a claim of an interested person i.e., the wife of the brother of the deceased. It is obvious that if the employee had died as a bachelor, the inheritance would have passed on to his brother and father. In my considered opinion, a declaration made by the deceased employee during his life time as required to be done officially is the most authentic document to be relied upon. Its authenticity cannot be doubted. It has been relied upon.

5. I may also mention some supporting evidence, although not required. The applicant has filed a certificate of railway officer, marked as Annexure 1/2 which states that Asha Devi ( applicant) is the wife of deceased Kishori Raut. Annexure A/5 is a certificate of Block Development Officer, certifying that Asha Devi , wife of Kishori Raut is the resident of village Athmalgola. In the light of these documents as well the oral enquiry made by a railway Inspector cannot be given the weight which has been attached to the same.

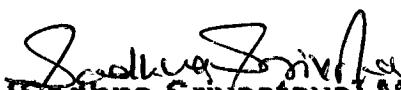
6. On the whole, there appears to be no reason to deny the claim of the applicant. It has not been brought to my notice that there

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was any bar for the applicant to marry or to re-marry the deceased, Kishori Raut. Therefore, on the basis of the declaration made by Kishori Raut, I hold that the applicant is entitled to receive the retiral benefits.

7. Resultantly, the respondents are directed to pay to the applicant, widow of Kishori Raut the retiral dues due to late Kishori Raut within a period of two months from the date of receipt of copy of this order. In case the payments of retiral dues are not made within two months as ordered, the amount due shall carry interest @ 9 % per annum.

8. As such, the OA is allowed, without any order as to the costs.

  
[Sadhna Srivastava] M [J]

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