

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, *Kochi* BENCH

OA/TA/RA/CP/MA/PT *411/90* of 20.....

*Smt. Kanchanlal Bai* Applicant(S)

Versus

*C.C.I. & A.* Respondent(S)

INDEX SHEET

Serial No.	DESCRIPTION OF DOCUMENTS	PAGE
1 -	<i>Cheer list</i>	<i>A1 to A2</i>
2 -	<i>Under sheets</i>	<i>A3 to A8</i>
3 -	<i>Final judgement dt 25<sup>02</sup>/<sub>94</sub></i>	<i>A9 to A13</i>
4 -	<i>Copy of petition</i>	<i>A14 to A44</i>
5 -	<i>Answer</i>	<i>A45</i>
6 -	<i>Amesure</i>	<i>A46 to A48</i>
7 -	<i>Reply</i>	<i>A49 to A62</i>
8 -	<i>Rejoinder</i>	<i>A63 to A67</i>

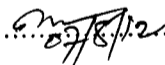
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*B/C. We deduct / destroyed.*

Signature of S.O.



Signature of Deal. Hand





4/

Particulars to be Examined

Endorsement as to result of examination

- 1. Are the application/duplicate copy/separate copies signed?
- 2. Are extra copies of the application with annexures filed?
- 3. Identical with the Original?
- 4. Effective?
- 5. Missing in Annexures
- 6. This \_\_\_\_\_ pages Nos. \_\_\_\_\_?
- 7. Are the file size envelopes bearing full addresses of the respondents near filed?
- 8. Are the given address the registered addresses?
- 9. Do the names of the parties stated in the copies tally with those indicated in the application?
- 10. Are the translations certified to be true or supported by an affidavit affirming that they are true?
- 11. Are the facts of the case mentioned in item no. 6 of the application?
  - (A) Condensed?
  - (B) Under distinct heads?
  - (C) Numbered consecutively?
  - (D) Typed in double space on one side of the paper?
- 12. Are the particulars for interim order prayed for indicated with reasons?
- 13. Are all the remedies have been exhausted.

4 sets

yes

Not there

3 copies of the...

yes

yes

no

Not there

yes

yes

yes

yes

dash/

... before the Hon.

10/91

*[Signature]*

10/12/91

10/12/91

C-100-411/90

DM

21/1/94  
D.R.

No sitting of single Bench.  
Case is adjourned to 3/2/94.

✓

Print

D.R.

C-2  
C-100-411/90  
S. N. Prasad  
J.M.

3/2/94

Hon'ble S.N. Prasad, J.M.

Shri S.S. Roy, brief-holder  
of Shri S.C. Bhasmaha,  
learned counsel for  
the applicant and  
Shri A.V. Srivastava,  
learned counsel for  
the respondents are  
present. Heard ~~the~~  
arguments of the  
learned counsel for  
the parties. Judgment  
Reserved.

(lv)

252/94

Hon'ble S.N. Prasad, J.M.

J.M.

Under the provisions of the  
Law of the Court

DM

20/11/93

2/1

Hon. Mr. V.K. Seth A.M.

Sbri Anil Srivastava bar of holder of sbri A.V. Srivastava learned Counsel for the respondents in Present None for the applicant. Sbri Anil Srivastava intimates that C.A. has been filed, that is on record. 2 weeks time is granted for filing R.A. list this case on 23/11/93 for admission/hearing.

*[Signature]*

2/1  
A.M.

23.11.93

No. 2111/93  
S-1-94  
No. 2111/93  
D-1-94

21/11/94

Hon. Mr. S.N. Prasad, J.M.

Counsel for the applicant has sought adjournment. List this case on 21/11/94 for hearing & disposal.

*[Signature]*

21/11/94 S.N. Prasad  
No. 2111/94

J.M.

(S) 2/5

O.A No 411/94

F.F 5/1/94

Smt Kanchalga Gauriyal ——— Applicant

vs

Union of India and others ——— Opp parties

A petition for Adjudgment

Respectfully sheweth:-

- (1) That the above noted case was fixed for today for admission and hearing
- (2) That due to the indisposition of the counsel for the applicant, he will be unable to conduct the case today.

Wherefore it is respectfully prayed that the above noted case may be adjourned and some other convenient date be fixed.

Lucknow Dated  
5/1/94

  
Applicant

(16)

10.1.91

No sitting A/c to 28.2.91

(1)

W

28.2.91

No sitting, this case is adjourned to 30.4.91 for admission on the request of counsel for the applicant Shri S.C. Dharmana.

(2)

30.4.91

No sitting A/c to 16.5.91

(3)

5.7.91

Mem. Mr. Kausal Kumar - IC  
Mem. Mr. D.K. Agrawal - JN

(4)

Recommencement application of Shri S.C. Dharmana, Counsel for application. Case is adjourned to 5.8.91 for admission.

J.N.

[Signature]

ve

5.8.91

Mem. Mr. Jigisha B.C. Srivastava - IC  
Mem. Mr. K. Chayya AM

(5)

On the adjournment application of Counsel for the applicant. Case is adjourned to 16.9.91

S

[Signature]

[Signature]

(8)

10.2.92

D.R.

Counsel for the applicant is present. Respondent did not file counter till today. He is ordered to file it, by 29/4/92.

Beena S. N.  
JTO IC

(9)

29.4.92

D.R.

Both the parties are absent today. Counter has not been filed. Respondent to file it,

by 29/7/92. *[Signature]*  
711

(X)

05/2/93

Hon'ble Mr. S.N. Prasad, J.M.

Case called out.

None responds on behalf of either of the parties, despite repeated calls at intervals.

Counter-affidavit has been filed by the Respondent's R.A. if any, he filed within two weeks hereof.

List this case for hearing on admission/disposal on 15/2/93.

cc

J.M.

OK  
05/2/93  
15/2/93

05/2/93

Hon'ble Mr. S.N. Prasad, J.M.

Mr. S.S. Ray brief holder of the learned Counsel for the applicant (Shri S.C. Dasgupta) is present and is filing

Rejoinder but copy of the Rejoinder has not been given to the Counsel for the respondent who is not present.

Office is directed to furnish the copy of the rejoinder within a week or as and when the Counsel for respondents is available.

List this case for hearing on admission/final disposal on 15.3.93.

cc

J.M.

CENTRAL ADMINISTRATIVE TRIBUNAL,  
LUDHIANA BRANCH,  
LUDHIANA.  
C.A.N.O. 411/90 (2)

Shri. Kaushlya Gauniyal : : : : : Applicant

Vs.

1. The Union of India,  
through the Secretary  
to the Government of  
India, Ministry of  
Railways, Railway Deptt.,  
Rail Station, New Delhi.
2. The Secretary,  
Railway Board,  
Railway Station,  
New Delhi.
3. The Director General,  
Research Designs  
and Standard Organisation  
Ministry of Railways,  
Central Government of  
India (Union of India),  
Mansarovar, Lucknow. : : : : : Respondents.

Hon'ble Mr. S.N. Prasad, Judicial Member.

(By Hon'ble S.N. Prasad, J.M.)

1. The applicant has approached this Tribunal for  
issuance of directions to the respondents No.1 to 3 or to  
any one of them to fix the family pension of the deceased  
Shri. Govind Gauniyal, who was Assistant in the office of  
S.C.(R)'s Section of the Director General, Research,  
Designs and Standard Organisation (RDSD), Manak Nagar,  
Lucknow (respondent No.3, hereinafter referred to as 'respondent')  
to the applicant on behalf of the deceased's family.

2. Briefly stated the facts of this case, including the  
allegations, are that the applicant is the widow of late Shri Govind  
Gauniyal (hereinafter referred to as the 'deceased'),  
who at the time of his death was employed as 'Assistant'  
in the S.C.(R)'s Section of the office of the Director

General, G.D.S.O., Barak Nagar, Lucknow (respondent No.3).  
 According to her, she is the legally wedded widow of the  
 aforesaid deceased who was married with the aforesaid  
 deceased on 2-2-1933 as per Hindu rights and customs and  
 with the union of the aforesaid deceased she has 3 sons  
 and one daughter as detailed in paragraph 4(4) of the D.A.  
 It has further been stated that ever since her marriage  
 she has been living with the deceased as legally wedded  
 wife performing Vedic ritual rites, as would be obvious  
 from the perusal of Annexures 6 to 17 to the C.A., and  
 after the death of the deceased she represented the  
 matter to the authorities concerned for fixation of family  
 pension and payment of the same to her but of no avail,  
 hence she has approached this Tribunal.

3. The respondents have filed counter-reply with  
 the contention, inter-alia, that late Shri Govind Ram  
 Gauniyal was appointed as Lower Division Clerk in RDSO  
 w.e.f. 26-12-36 and subsequently got promotion to the  
 post of Assistant w.e.f. 16-11-37, while working as  
 Assistant in scale Rs.425-800 (A3), he expired on  
 4-11-37, i.e. before his actual retirement. The applicant,  
 Smt. Kaushalya Gauniyal is illegally claiming as widow  
 of the deceased. But no such declaration/statement was  
 admitted by late Shri Govind Ram Gauniyal during his  
 entire service life till death on 4-11-37. In this  
 connection it may be mentioned that the deceased, as per his  
 statement available in the record, had married one Smt.  
 Mahadevi in the year 1936 and although they had a child  
 but subsequently the child died. Thereafter, they had  
 no issue. It is further stated that late Shri Govind Ram

1

Gauniyal did not maintain his married wife Smt. Mahadevi who has moved an application in the Court of Civil Judge, Pauri Garhwal. After considering the merits of the case, the Civil Judge, Pauri Garhwal, in his judgement dated 26-1-82 passed an order that the marriage of Govind Ram Gauniyal with Smt. Mahadevi was dissolved (A true copy of the said Judgement is annexed as Annexure CA-1). This apart a complaint was also received in February, 1975 from Smt. Mahadevi, married wife of late Shri Govind Ram Gauniyal that Shri Gauniyal had deserted her and married another lady for the last 7 years but as late Shri Gauniyal did not report the matter to the Government which was required under the Railway Service Conduct Rules 1966 that no Railway Servant should enter into or contract a marriage with a person having a spouse living, provided that the Government may permit the Railway Servant to enter into or contract such marriage. Accordingly he was taken up and issued with a Charge Sheet with 3 articles of charges framed against him. His reply was considered. He submitted his declaration dated 27-4-79 during the course of enquiry proceedings that Smt. Mahadevi was his legally wedded wife and had no children. He also declared that his family consisted of self 45 years, widow mother of 78 years and widow sister of 52 years (copy of declaration is annexed as Annexure CA-2).

4. It has further been stated that <sup>after</sup> the death of late Shri Govind Ram Gauniyal, Smt. Mahadevi (divorced

life of the deceased employee), Smt. Dikka Devi (mother of the deceased employee), and the applicant applied for payment of settlement dues and pensionary benefits. Since there were 3 claimants vide letter dated 29-12-33 (Annexure CA-3) all of them were asked to produce succession certificate. However, as Smt. Dikka Devi (mother of the deceased employee) alone produced the succession certificate duly granted by Civil Judge, Malihabad, Lucknow, as per judgement dated 4-2-39 (Annexure CA-4), on its basis, all settlement dues pertaining to late Shri Govind Ram Gauniyal were accordingly paid to her. Neither the applicant produced the succession certificate nor there being any declaration by late Shri Govind Ram Gauniyal that the applicant is his legally wedded wife, she is not legally entitled for any claim and the application is liable to be dismissed.

5. I have <sup>to have the original copy of the certificate & small for the parties</sup> thoroughly gone through the contents of the application and perused the papers annexed thereto.

6. This is noteworthy that ~~from~~ the perusal of of Annexure CA-4, which is a copy of the succession certificate dated 4-2-39 issued by the Civil Judge, <sup>Lucknow</sup> Malihabad, shows that the succession certificate was issued in favour of Smt. Dikka Devi Gauniyal, widow of late Shri Dharmanand Gauniyal (mother of the aforesaid deceased Shri Govind Ram Gauniyal) regarding the Estate of late aforesaid Shri Govind Ram Gauniyal, and in regard to the payment of death-cum-retirement gratuity, GIS, leave encashment and other benefits etc.

7. It is also important to point out that the aforesaid deceased did not maintain his married wife Smt. Mahadevi, who had moved an application in the Court of Civil Judge, Pauri Garhwal. This is also significant that a perusal of annexure CA-2 shows that the aforesaid deceased Govind Ram Gauniyal submitted a declaration dated 27-4-79 during the course of enquiry proceedings to the effect that Smt. Mahadevi was his a legally wedded wife and had no children and he also declared that his family consisted of self 40 years, widow mother of 78 years and one sister of 62 years. This fact also should not be lost sight of that the applicant also claims to be the legally wedded wife of the aforesaid deceased and claims herself to be the claimant of family pension. Thus, this being so, and in the face of the succession certificate issued by the Civil Judge, Lucknow dated 4-2-89 in favour of the aforesaid Smt. Dikka Devi (mother of the aforesaid deceased), I find it expedient that it will meet the ends of justice if the applicant is directed to submit Succession Certificate <sup>to respondents</sup> from the Competent Court of Law entitling her payment of the family pension as claimed by her <sup>to pay the family pension or other benefits to the person in whose favour</sup> Succession Certificate issued by the Competent Court of Law ; and I order accordingly.

8. The application of the applicant is disposed of as above. No order as to costs.

*[Handwritten Signature]*  
 JUDICIAL MEMBER.

Dated: 25/2/94, Lucknow.

25.2.94

(tgk)

1 - A

STATE OF U.P. HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL,  
CIRCULAR CIRCUIT BENCH, LUCKNOW

Registration no. 411 of 1990 (L)

Smt. Neerajya Gauniyal ..... Applicant

Vs

Union of India & others ..... Respondents

TITLE : FAMILY PENSION

Sl. No.	DESCRIPTION OF PAPERS	PAGE NOS.
<u>COMPILATION - A</u>		
1.	Index	1 A to 1 B
2.	For use in Tribunal's Office	1 C
3.	Application U/sec. 19 of the Administrative Tribunal Act, 1956	2 to 28
4.	Postal Order	29
5.	Vakalatnama	30
6.	Notice dated: 20.12.1988	31 to 33
<u>COMPILATION - B</u>		
7.	Index	34 to 36
8.	Annexure 1 (True copy of Notice dt. 20.12.88)	37 to 39
9.	Annexure 2 (True copy of Death certificate)	40
10.	Annexure 3 (True copy of Representation dt. 13.11.87)	41 to 43
11.	Annexure 4 (True copy of letter dated 27.11.1987 by Respondent no. 3)	44
12.	Annexure 5 ( True copy of Representation dt. 14.12.1987)	45 to 54
13.	Annexure 6 (True copy of Marriage Certificate)	55
14.	Annexure 7 (True copy of Invitation card)	56
15.	Annexure 8 (True copy of Photograph)	57
16.	Annexure 9 (True copy of High School Certificate)	58
17.	Annexure 10 (True copy of Transfer Certificate)	59
18.	Annexure 11 (True copy of Birth Certificate)	60
19.	Annexure 12 (True copy of birth Certificate)	61
20.	Annexure 13 (True copy of front page of pass-book)	62
21.	Annexure 14 (True copy of Prescription dt. 4.4.68)	63
22.	Annexure 15 (True copy of Railway pass)	64

श्री शारदा गौनियाल

Sl. No.	DESCRIPTION OF PAPERS	PAGE NOS.
23.	Annexure 16 (True copy of Railway Identity card)	65
24.	Annexure 17 (True copy of Chart of Fee Reimbursement)	66
25.	Annexure 18 (True copy of Declaration dt. 15.5.1987)	67
26.	Annexure 19 (True copy of Judgement dt. 26.3.1982)	68 to 69
27.	Annexure 20 (True copy of Compromise dt. 26.3.82)	70
28.	Annexure 21 (True copy of registered WILL dated 22.2.1988)	71 to 83
29.	Annexure 22 (True copy of reminder dt. 4.1.1988)	84 to 85
30.	Annexure 23 (True copy of Reminder dt. 20.1.1988)	86
31.	Annexure 24 (True copy of Reminder 21.6.1988)	87
32.	Annexure 25 (True copy of Letter dt. 7.7.1988)	88
33.	Annexure 26 (True copy of Telegram dt. 30.7.1988)	89
34.	Annexure 27 (True copy of letter dt. 10.8.88)	90 to 91

WITNESSETH

DATE: 12.12.1990

*S. C. Dhasmana*

(S.C. Dhasmana)  
ADVOCATE

COUNSEL FOR APPLICANT

कोशल्या गौनियल

Central Administrative Tribunal  
Circuit Bench, Lucknow  
Date of Filing 13/12/90  
Date of Receipt by Post  
Deputy Registrar

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
LUCKNOW CIRCUIT BENCH, LUCKNOW.

Registration No. 411 of 1989

APPLICATION UNDER SECTION 19 OF THE  
ADMINISTRATIVE TRIBUNALS ACT, 1985

SMT. KAU SHILYA GAUNIYAL (unemployed)  
aged about 43 years, widow of Late Shri  
Govind Ram Gauniyal ( the 'deceased' who was  
employed as "ASSISTANT" in the S.O.(E)'s  
Section of the office of the Director  
General, Research Design & Standard Organisation,  
Manak Nagar, Lucknow at the time of his death),  
at present resident of the House of Smt. Asha  
Gosain, Deep Nagar, Dhindha Kherra,  
LUCKNOW - 226011. .... APPLICANT

*Handwritten:* 13/12/90

vs.

1) The Union of India, through the Secretary to  
the Government of India, Ministry of Railways,  
Railway Department, Rail Bhawan, NEW DELHI

..... Opposite Party/No.1  
Respondent

2) The Secretary, Railway Board, Rail Bhawan,  
NEW DELHI.

..... Opposite Party/No.2  
Respondent

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3) The Director General, Research Designs  
and Standard Organisation, Ministry of Railways,  
Central Government of India (Union of India),  
Manak Nagar, LUCKNOW .... Opposite Party/No.3  
Respondent

DETAILS OF APPLICATION

1. Particulars of the order against which  
the application is made :

This application is against the non-compliance and no response of the respondents on the applicant's legal notice dated 20.12.1988, sent through her counsel by a registered post/A.D., which has been served on all the above respondents. A true photo copy of the said notice is annexed herewith as 'Annexure No. 1' to this application. Some of the main points of the said notice are as under:--

(i) Reference No. 88/N-GOVT./R-2, dated 20.12.1988

(ii) Notice sent to the respondent nos. 1, 2 and 3

(iii) Subject in brief : The above notice was sent for the fixation and payment of the family pension of the applicant's husband Late Shri Govind Ram Gauniyal, who died on 4.11.1987 while in active service as "Assistant" in office of the Respondent No. 3, with effect from 05.11.1987, immediately and at once; thereafter its regular payment every month in favour of the applicant. But neither the said family pension has been fixed nor paid to the applicant.

११  
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(A)  
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till yet, inspite of the applicant's several personal efforts, and representations, reminders, telegram and the above mentioned notice. ( For detail discussion please see para 6 "Details of remedies exhausted" hereinbelow)

2. Jurisdiction of the Tribunal :

The applicant declare that the subject matter of this application by which the applicant wants redressal of her losses, is within the jurisdiction of this Hon'ble Tribunal.

3. Limitation :

The applicant further declare that the application is within the limitation period, as prescribed in Section 21 of the Administrative Tribunals Act, 1965.

4. Facts of the Case :

4(1) That the applicant is the widow of Late Shri Govind Ram Gauniyal ( hereinafter referred to as 'the deceased' ) who, at the time of his demise, was employed as 'Assistant' in the S.O.(R)'s section of the office of the Director General, Research Design and Standard Organisation, Manak Nagar, Lucknow (respondent no. 3).

4(2) That the afore-said deceased died on the 4th November, 1987, while in active service with the respondent no. 3. ( A true photo copy of the death

११  
कौशल्या गाँवियाल

certificate is annexed herewith as 'Annexure No.2' to this application ) .

4(3) That the aforesaid deceased was a permanent employee of the respondents, and until his demise he had rendered about 35 years of meritorious and unblemished services with them .

4(4) That the aforesaid deceased has left behind his following legal heirs and successors, who all were entirely dependent on him and were his family members residing together :—

- i. The applicant,
- ii. Pramod Gauniyal ( son, aged about 19 yrs.),
- iii. Manoj Gauniyal ( son, aged about 16 yrs.),
- iv. Kajari Shobha Gauniyal ( daughter, aged about 14 yrs.), and
- v. Vinod Gauniyal ( son, aged about 12 yrs.)

4(5) That the aforesaid legal heirs and successors of the deceased are now entirely dependent upon the applicant for their survival, fooding, shelter, maintenance, education and medical treatment etc.

It is pertinent to mention here that the mother of the deceased Late Smt. Dikka Devi Gauniyal was also residing with the applicant in the deceased's family. She was a very old and physically weak lady, having ailing health most of the time . She mostly remained confined to bed until her demise at the age of 87 years. During this period, she always required a considerable sum of money every month, alone for her medical treatment and look after.

२१  
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Her eye sight <sup>was</sup> also very weak and accordingly she required a considerable amount of attention.

It is further pertinent to mention that the aforesaid Pramod Ganiyal , Manoj Ganiyal , Km. Sobha Ganiyal, and Vinod Ganiyal, all are too young and studying at the moment. They all are also unemployed having no source of in - come. Accordingly they all require a considerable sum of money for their education in addition to other expenditures of their maintenance.

(4) (5) That the applicant is an uneducated and unemployed widow of the deceased , who is having no source of her own in - come. It is also pertinent to mention here that the applicant's one eye is also defective , and accordingly she requires a considerable sum of money for her medical treatment besides other expenditures.

4 (7) That the Union of India has provided for immediate relief of family pension of the deceased who is a Government Servant at the time of his demise, to be paid to one member of the deceased family who is still dependent upon the estate of the deceased. The Government has also provided that the family pension can be given to any dependent of what-so-ever age, after its fixation.

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4 (8) That the members of the deceased family have not been given the family pension of the deceased since his demise on 4.11.1987.

4 (9) That the applicant is fully entitled as per the law to get the family pension of the said deceased fixed and paid to her since 5.11.1987 immediately and atonce, and thereafter the applicant is further entitled to receive its regular payment every month without any default.

4 (10) That the applicant is entitled as such being the Karta of the deceased's family.

4 (11) That on 13.11.1987 , the applicant submitted a Written Letter dated 13.11.1987 before the respondent no. 3 informing him that the said deceased has expired on 4.11.1987, and also requesting for the payment of the said family pension etc., to her at the earliest. A true photo copy of the said letter is annexed herewith as Annexure No. 3 to this application.

4 (12) That in reply to the above , the respondent no. 3 asked the applicant to submit documentary proof in support of her claim as legally wedded wife of the deceased , because according to the respondent no. 3 alone, the deceased exercised only one nomination in favour of Smt. Maha Devi ( his first wife to whom the deceased later gave divorce before marrying with the applicant) for the payment of only S.R.P.F. dues. The respondent no. 3 also disclosed it first time that the deceased did not submit any nomination in respect of the applicant and also did not inform about the second marriage with the applicant as per rules after dissolution of his marriage with Smt. Maha Devi.

कोशल्या गौनियाल

A true photo copy of the said letter of the respondent no. 3 bearing reference no. A / EP - 944 dated 27.11.1987 is annexed herewith as Annexure No. 4 to this application.

4 (13) That in reply to the above, the applicant submitted a detailed reply in the form of representation alongwith photo copies of all the documentary proofs of her being the legally wedded wife of the deceased. A true photo copy of the said representation dated 14.12.1987 to the respondent no. 3 is annexed herewith as Annexure No. 5 to this application. ; wherein the applicant submitted the following :-

- (i) , That the applicant 's marriage was solemnized with the deceased on the 2nd February, 1968, as per Hindu <sup>rites</sup> and customs at the resident of her father Late Sri Khushi Ram Joshi at village - Salan Gaon, District - Dehradun. A true photo copy of the marriage certificate of the said marriage by the village pradhan of the Panchayat of village Bhagwant Pur, District - Dehradun is annexed herewith as Annexure No. 6 to this application. Further more, a True photo copy of the invitation card of the said marriage is also annexed herewith as Annexure No. 7

to this application. Accordingly there was a legal and social sanction both, for the said marriage of the applicant with the deceased.

कौशल्या मौरिया



(ii) That ever since the said marriage, the applicant had been living with the deceased as his lawfully wedded wife. The applicant has performed her part of matrimonial obligations towards the deceased with full attention, devotion and utmost care till his demise on 4.11.1987. Needless to say that the applicant is still performing her part of obligations towards all the said legal heirs and successors with utmost sincerity. It is pertinent to mention here that the applicant has resided with the deceased till his demise and thereafter also, in the official accommodation provided by the respondent no.3.

(iii) That ever since the said marriage, the status of the applicant as lawfully wedded wife of the deceased has never been challenged, objected or interrupted by anyone till yet. A true photo copy of the photograph of the applicant, deceased, and the deceased's mother showing them together is annexed herewith as annexure No.8 to this application,

(iv) That due to the said wedlock with the deceased, the applicant gave birth to the aforesaid three sons and one daughter. A true photo copy of the High School certificate of the applicant's eldest son Pramod Guniyal from the U.P. Board Allahabad, showing the deceased as father of the applicant's said son is annexed herewith as annexure No.9 to this application.

कोराल्या गौनियाल

Further in order to show the deceased as father of the applicant's said son Pramod Ganiyal, a true photo copy of the transfer certificate of Pramod Ganiyal from the Manak Nagar, Railway School, Manak Nagar, Lucknow is annexed herewith as Annexure No. 10 to this application. Further more the true photo copies of the certificates of the applicant's other issues Vinod Ganiyal and Sobha Ganiyal from the St. Marry's High School, Manak Nagar, Lucknow is also annexed herewith as Annexures nos. 11 and 12 respectively to show the deceased as their father.

(v) That it is also pertinent to mention here that the deceased was also residing with the applicant as her lawfully wedded husband. The deceased never hesitated before in disclosing himself as lawfully husband of the applicant. A true photo copy of the savings account no. 6144 of the Central Bank of India, R.D.S.O. Branch, Manak Nagar, Lucknow as disclosed on the front page of the pass-book, showing the said account in the joint name of the deceased and the applicant, is annexed herewith as Annexure No. 13 to this application. Further more a true photo copy of the prescription dated 4.4.1968 bearing no. 17 of the eye Hospital, Sitapur showing the applicant as wife of the deceased is also filed herewith as Annexure No. 14 to this application.

(vi) That there seems no reason as to why the deceased did not inform the respondent no.

काशल्या गानियाल

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- 11 -

his marriage with the applicant as alleged. It is pertinent to mention here that the facts as disclosed below will further establish that the deceased had informed the respondent no. 3 and the concerned department about his lawful second marriage with the applicant as per the law and also made the nomination in favour of the applicant. At this juncture, the denial of the respondent no. 3 in the above matter is simply biased, incorrect, illegal, inoperative and unsustainable in the eye of law. Further the applicant was not aware about the allegation that the deceased had not informed the respondent no. 3 about his second marriage with the applicant and did not make any nomination in her favour. No such enquiry was ever made by the respondents during the life time of the deceased, in which the applicant had <sup>been required to</sup> submit any reply. The below mentioned <sup>ed</sup> facts will clearly establish that the deceased did inform the respondent no. 3 about the second marriage with the applicant and exercised due nomination in favour of the applicant as per the law.

(vii) That the concerned official records in respect of the Railway Passes, as issued by the Railway Department as per the rules to the deceased's family will clearly establish that the deceased himself applied for the inclusion of the names of the applicant and his aforesaid 3 sons and 1 daughter in the Railway passes, as members of the deceased family. Later on the names of the applicant and her said issues were entered in the railway passes

काश्या गानियाल

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27

issued for the family members of the deceased. This further establishes the fact that the deceased did not deliberately conceal the name of the applicant and his issues, and his marital status as legally wedded husband of the applicant, from the respondents. A true photo copy of the said Railway pass bearing no. 25690 is annexed herewith as Annexure No. 15 to this application.

(viii) That the fact of the issuance of the Medical Identity Card bearing no. 736 dated 19.4.1985 by the respondent no. 3 on the application of the deceased, disclosing the names of the applicant and all the aforesaid children as family members of the deceased further strengthens the truth that the deceased never concealed the fact of his second marriage with the applicant and his marital status as legally wedded husband of the applicant, from the respondents. A true photo copy of the said Medical Identity Card is annexed herewith as Annexure No. 16 to this application.

(ix) That the fact that the deceased also used to receive the re-imbursment of the tuition fee of his aforesaid 3 sons and 1 daughter from the respondent no. 3 further establishes the applicant's contention. These records as available with the respondent no. 3 will show that the respondents have always treated the applicant's aforesaid issues as family member of the deceased.

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A true photo copy of the chart showing reimbursement of tuition fees of the applicant's said children is annexed herewith as Annexure No. 17 to this application.

(x) That the fact that the deceased was residing alongwith the applicant and his said children in a joint Hindu Family alongwith his mother Smt. Dikka Devi Ganiyal, and his sister Smt. Maheshwari Devi always in a residential accommodation provided and allotted to the deceased by the respondent no. 3, since 1977. This accommodation at the time of death of the deceased was situated at B - 36 / 3 R.D.S.O. Colony Manak Nagar, Lucknow. This further established the fact that the deceased never wanted to conceal his second marriage with the applicant from the respondents. The applicant and deceased both resided together continuously as husband and wife for about 20 years, and during this this period their marital relationship was never challenged, interrupted or objected by any person or authority including the respondents.

(xi) That in the aforesaid representation, the applicant also explained certain relevant facts about the alleged nomination of Smt. Maha Devi by the deceased only in respect of S.R.P.F. dues, which are disclosed here in below :-

कौशल्या गौनियल

(a) That the alleged nomination of Smt. Maha Devi

by the deceased is not the complete nomination at all and it is not done in accordance with the rules and regulations and prescribed by the respondents. The alleged nomination of Smt. Maha Devi is only in respect of the S.R.P.F. dues and it is not in respect of the family pension, gratuity, and Insurance etc. And accordingly the claim of the said Smt. Maha Devi if any in respect of the family pension of the deceased is false, illegal, baseless, null and void and without any authority of whatsoever nature.

(b) That however it is true that the deceased had married with Smt. Maha Devi resident of Village - Badol Gaon, P.S. - Tilkholi, Patti - Kolagarh, District - Pauri - Garhwal in the year 1953. But later on the deceased had obtained divorce with Smt. Maha Devi on the 15th May, 1967 as per the customary rites and rituals and prevalent and recognized in the said remote village of District - Garhwal. After obtaining the said divorce, the deceased got married with the applicant.

The deceased obtain the said divorce with Smt. Maha Devi on the basis of the customary laws as accepted and proclaimed in his society. The said divorce was obtained in front of the Panchyat of his home village - Pali, Patti - Khatly, Post - Kasarni, District - Pauri - Garhwal, consisting of the village Pradhan and 5 Panch Member in front of whom the deceased has also made and given declaration for divorcing Smt. Maha Devi.

कौरात्या गौरीयाल

on the ground of unchastity and her bad character. A true photo copy of said declaration dated 15.5.1967 by the deceased is annexed herewith as Annexure No. 18 to this application. And only after the said divorce, the deceased married with the applicant on 2.2.1968, as described before. Accordingly the marriage of the applicant with the deceased is not illegal but lawful and it is in accordance with the Hindu rites and customs having the force of law. It can not be set at all that on 2.2.1968 Smt. Maha Devi was the wife of the deceased.

So as to avoid any further controversy in to the matter and also to make the aforesaid divorce doubly sure, the deceased obtained a decree of divorce against the said Smt. Maha Devi in the year 1982, from the Court of the Civil Judge, Pauri - Garhwal, in the case " Govind Ran Versus - Smt. Maha Devi, Suit No. 40/81" by way of compromise". It is pertinent to mention here that Smt. Maha Devi herself consented for divorce with the deceased only on the payment of maintenance allowance and made a compromise to that effect. It is also significant to mention that the said Smt. Maha Devi never objected against the marital relationship of the deceased with the applicant. A true photo copy of the said judgement and compromise is annexed here with as Annexure nos. 19 and 20 to this application.

११  
कोशिल्या जी नयाल

5

Accordingly at present Smt. Maha Devi is simply a divorcee, having no claim in the payment of family pension to the family members of the said deceased.

(iii) That the deceased's mother Late Smt. Dikka Devi Gamiyal was a very old lady and she died in the year 1989. She had been living with the family of the deceased and applicant since beginning. For her survival and maintenance, she was solely dependent upon the deceased, who was her only legal heir and successor surviving till last, and after the demise of the deceased, she was only looked after by the the applicant.

The said mother of the deceased has executed a registered WILL dated 22.2.1988 disclosing the entire truth about the deceased and applicant, and their successful marital relationship. The said Smt. Dikka Devi Gamiyal has also given, after her demise, her all proprietary rights to the applicant, who ~~is~~ according to her also is the lawfully wedded wife of the said deceased. A true and photostat copy of the said WILL is annexed herewith as Annexure No. 21, to this application.

Whereas the deceased's sister, another widow, Smt. Maheshwari Devi <sup>also</sup> is/a very old lady. She also remains ill for most of the time. At present she is also under the care and custody of the applicant, and accordingly solely dependant upon the family pension of the said deceased.

कोशल्या गोनियाल

(xiii) That the applicant is uneducated, un-employed and belongs to a poor family, having defects in her one eye, accordingly in-capable to carry out any job opportunity effectively. The applicant is also suffering from chronic Asthma. It is pertinent to mention here that the deceased has not left behind any substantial properties, deposits and assets and there is no ancestral properties sufficient for the maintenance of the deceased's family member. There is no source of in-come.

4 (14) That thereafter the respondent no. 3 never replied the aforesaid representation dt. 13.12.87. And neither the family pension of the deceased was fixed in favour of the applicant nor it was paid to the applicant inspite of her several written and oral requests to the respondents as described below:-

4 (15) That on 5.1.1988 the applicant has sent a written letter / reminder dated 4.1.88 to the respondent nos. 2 and 3 and also to the senior Sr. Dy. Director ; R.D.S.O. , Manak Nagar, Lucknow to get the aforesaid family pension fixed and paid to the applicant at the earliest, but neither this letter was replied by anyone of the above addressees nor any action was taken in this regard. A true photocopy of the Reminder is annexed herewith as Annexure No. 22

4 (16) That further on 21.1.88 , the applicant has sent another letter / reminder dated 20.1.88 through registered post to the respondent no.3 but neither it was replied nor the family pension was paid to the applicant. A true photocopy of the said letter is annexed herewith as Annexure No 23

५९  
कारखाना गानियाल

4 (17) That in the mean time the applicant made several visits to the office of the respondent no. 3, for the fixation and payment of the aforesaid pension to her, but all her efforts went in vain.

4 (18) That on 21.6.88 the applicant handed over another letter / reminder dated 21.6.88 in the office of the respondent no. 3, but it was also not replied and neither any action was taken in this regard. A true photo copy of the said letter is annexed here - with as Annexure no. 24 to this application.

4 (19) That thereafter the applicant was orally told by the office of the respondent no. 3 during her regular visits to submit the original copies of the aforesaid medical card and railway passes as issued to the family members of the deceased. The applicant submitted the original copies of the Medical Card bearing no. N M 0736 and the Railway pass bearing no. 25690 vide letter dated 7.7.88 in the office of the respondent no. 3, but even then no action was either taken nor the said letter was replied. A true photo copy of the said letter is annexed herewith as Annexure No. 25 to this application.

4 (20) That when no progress was made in the above regard, the applicant has sent a telegram dated 30.7.88 to the respondent no. 2 to expedite the payment of family pension to the applicant. A true photo copy of the said telegram is annexed herewith as Annexure No. 26 to this application.

कौशल्या गौनियाल

154

- 19 -

4 (21) That thereafter the applicant wrote a letter dated 10.8.88 to the Minister of Railways, Rail Bhawan, New Delhi, for the aforesaid payment. A true photo copy of the said letter is annexed herewith as Annexure No. 27 to this application.

4 (22) That in absence of any positive response from any corner, the applicant sent a registered notice dated 20.12.1988 through her counsel to the respondent nos. 1, 2 and 3 by registered post, for the fixation and payment of the aforesaid family pension to the applicant w.e.f. 5.11.87, within sixty days, of the service of the said notice upon any of the respondent failing which the applicant shall have no other recourse except to initiate legal action in a competent court of law against the respondents at their costs, consequences and risks. A photo copy of the said notice is annexed herewith as Annexure No. 1 to this application.

In spite of the above notice, neither the family pension of the deceased has been fixed nor paid to the applicant till yet. And further no reply of the above notice has been either given to the applicant or her counsel. Almost about 8 months have elapsed since the service of the aforesaid notice upon the respondents. And in absence of any action or any reply on the part of the respondent, the filing of this application remains the only alternative for the applicant to get the family pension of the said deceased.

कौशल्या गौनियल

14/11/87

5. Grounds for relief with legal provision :-

- (i) Because the applicant is fully entitled and authorised as per the law to get the family pension of the said deceased fixed in her favour by the respondents.
- (ii) Because the applicant is fully entitled and authorised as per the law to recover and received the entire due / balance sum of the family pension of the said deceased w.e.f. the 5th November, 1987 till the actual date of payment, atonce and with immediate effect.
- (iii) Because the applicant is fully entitled and authorized as per the law to received the family pension of the said deceased from the respondents every month regularly and without any default at the rate fixed as per the law.
- (iv) Because the applicant is now the Karta of the deceased's family and is looking after for the fooding, shelter, survival and maintenance etc., of all the said members of the deceased's family.
- (v) Because the applicant has to support the deceased's sister of 59 years age and her self all having ailing health, her three sons and one daughters aforesaid, all the said members of the deceased's family left over by him after his demise.
- (vi) Because there is no earning member in the family of the deceased and there is no source of income for the survival of the deceased's family.

कोशिका में नियात

- (vii) Because the deceased has died while in active service in the office of the respondent no. 3.
- (viii) Because there is no other person entitled or authorized as per the law to get the family pension of the deceased fixed in his or her favour and received the said family pension from the respondents, except the applicant.
- (ix) Because the applicant alongwith her said three sons and one daughter all were getting reimbursement of the tuition fees, facility of railway passes and medical facility being the members deceased's family during his active service, regularly and without any default.
- (x) Because when the applicant submitted her written representation ( annexure no. 3 ) it was replied by the respondent no. 3 ( annexure no. 4 ) asking the applicant to submit documentary proof in support of her claim as legally wedded wife of the deceased, but when the applicant submitted a detailed representation ( annexure no. 5 ) along with various documentary proofs in support of her claim, no reply thereafter came to the applicant.
- (xi) Because the applicant thereafter sent various reminders, letters and telegrams, but none of these reminders were replied back.
- (xii) Because the applicant at last has sent a legal notice through her counsel stating that if within sixty days of its service, the family pension of

कौशल्या गौनियल

the deceased is not fixed and the arrears are not paid, then the applicant shall seek redressal in the court of law, but no reply of the said notice ( annexure no. 1 ) has been sent to the applicant till yet and no action in this regard has been taken.

(viii) Because if any impugned order has been passed by any one of the respondents refusing/ denying the claim of the applicant over the family pension of the deceased, the same has not been communicated to the applicant till yet in spite of her best efforts.

(ix) Because no order has been passed on the applicant's several representations, reminders and notice, and neither the family pension has been fixed in favour of the applicant, nor the same has been paid to her in spite of her several best efforts.

(x) Because the non- action / silence of the respondents over the claim of the applicant is not in pursuance of, and it is violative of, Article 14, 16 and 300 A of the Constitution of India, and it is also against the provisions of natural justice.

6. Details of Remedies sought:

That the applicant declares that she has availed all the remedies available to her, under the relevant service rules etc.

8. The representation dated 13.11.1987 along with an affidavit dated 12.11.1987 ( Annexure No. 2 ) to the respondent no. 3 was sent by the applicant. The respondent no. 3 replied the

कार्यालय गोरियाल

vide letter dated 27.11.1987 ( annexure no. 4 ) asking the applicant to submit documentary proofs in support of her claim as legally wedded wife of the said deceased.

B. The additional representation dated 14.12.1987 was sent by the applicant to the respondent no. 3 in reply of the above , alongwith the said documentary proofs. No reply was thereafter received by the applicant either from the respondent no. 3 , 2 or 1 , in respect of the above , and neither the aforesaid family pension has been fixed in favour of the applicant and nor the same has been paid to the applicant till yet. ( The additional representation is annexed as annexure no. 5 whereas the said documentary proofs are annexed from annexure nos. 6 to 20.)

C. The applicant has sent reminder dated 4.1.88 to the respondents nos. 2 and 3 and also to the Senior Deputy Director R.D.S.O. Lucknow ( annexure No. 21) ; the reminder dated 20.1.88 to the respondent no. 3 ( annexure no. 22 ) ; the reminder dated 21.6.88 to the respondent no. 3 ( annexure no. 24) ; the letter dated 7.7.88 to the respondent no. 3 ( annexure no. 25) ; Telegram dated 30.7.88 to the respondent no. 2 ( annexure no. 26) and, the letter dated 10.8.88 to the Minister of Railways, Rail Bhawan, New Delhi ( annexure no. 27) .

कौशल्या गोपाल

D. The legal notice dated 20.12.88 by the applicant's Counsel was sent to the respondents nos . 1,2 and

through registered post alongwith A.D. ( annexure No. 1 ) for the payment of and fixation of the family pension of the said deceased to the applicant within sixty days of the service of the said notice upon either of the respondents. But neither the said family pension has been fixed in favour of the applicant, nor the same has been paid to her till yet . Further the said notice has also not been replied back to the applicant by anyone of the respondents.

7. Matters not previously filed or pending with any other Courts. :-

The applicant further declared that she has not previously filed any application, writ , petition or suit regarding the matter , in respect of which this application has been made, before any Courts or any other authority or any other bench of the Tribunal :and , nor any such application, writ , petition or suit is pending before any one of them.

8. Reliefs Sought :-

In view of the facts mentioned in para 4 above, the applicant prays for the following reliefs :-

- (a) To issue an order and / or direction setting aside the impugned order of any one of the respondents if any against the applicant's notice dated 20.12.88 ( annexure No. 1 ) and several other letters, representations , reminders and telegrams ( annexure no. 3 and from annexure no. 5 to 27 ) , as the said impugned order, if any

कौशल्या गौनियाल

100

has not been communicated to the applicant .

- (b) To issue an order and / or direction to the respondents nos. 1 to 3 or anyone of them to fix the family pension of the deceased , Late Sri Govind Ram Ganiyal , Assistant in the S.O. ( R)'s section , R.D.S.O. , Lucknow as payable to the applicant on the behalf of the deceased's family .
- (c) To issue an order and / or direction to the respondents nos. 1 to 3 or any one of them to pay the entire due amounts of the family pension of the said deceased to the applicant , at once and immediately , w.e.f. , 5.11.1987 till the actual date <sup>of</sup> its payment.
- (d) To issue an order and / or direction to the respondents nos. 1 to 3 or anyone of them to pay the fixed ~~some~~ of the family pension of the said deceased every month to the applicant, regularly and without any default.
- (e) To issue any such order / and / or direction , including an order as to costs, to the respondents nos. 1 to 3 or anyone of them, which in view of the facts and circumstances of the case , this Hon'ble Tribunal may deem fit, just and proper.

9. Prayer for Interim Order / Relief .

Pending final decision on this application , the applicant seek for the issuance of the following

interim order / relief :-

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- (a) To issue an interim order and direction to the respondents nos. 1 to 3 or anyone of them to pay

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immediately and at once the entire due amount of the family pension of the said deceased as payable from 5.11.1987 till the date of its actual payment , and / or to pay maintenance / subsistence allowance or any other amount becoming payable to the applicant as interim relief .

(b) To issue an interim order and / or direction to the respondents nos. 1 to 3 or anyone of them , to fix the family pension of the deceased or any other amount / allowance / relief / maintenance / subsistence allowance becoming payable every month to the applicant for the maintenance and survival of the deceased's family , and to pay the same regularly every month to the applicant in future till the final decision of the case.

(c) To issue an interim order and / or direction to the respondents nos. 1 to 3 or anyone of them , considered fit , just and proper in the circumstances of the case.

10. The application is being presented by the applicant through her counsel.

11. Particulars of Postal Orders in Respect of the Application Fee:-

- (i) Number of Indian Postal Order.....
- (ii) Name of the issuing Post Office ...
- (iii) Date of issue of Postal Order...
- (iv) Post Office at which payable ....

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Lalbagh, P.O. Lucknow

17.12.90

Alhababad. (U.P.)

कौशल्या मौरियाल

12. List of Enclosures:- ( Annexures ) :-

1. Copy of Notice dated 20.12.1988.
2. Copy of the Death Certificate .
3. Copy of letter dated 13.11.1987 by the applicant.
4. Copy of letter dated 27.11.1987 by the respondent no. 3.
5. Copy of representation dated 14.12.1987 by the applicant.
6. Copy of the Marriage Certificate .
7. Copy of the Invitation Card of the said Marriage.
8. Copy of the Photograph.
9. Copy of the <sup>High School</sup> ~~Board~~ Certificate.
10. Copy of the Transfer Certificate.
11. Copy of the Certificate .
12. Copy of the Certificate.
13. Copy of the Saving Bank Account No. 6144.
14. Copy of the Prescription dated 4.4.68.
15. Copy of the Railway Pass bearing No. 25690.
16. Copy of the Medical Identity Card.
17. Copy of the Chart showing reimbursement of Tuition Fees.
18. Copy of the Declaration dated 15.5.1967.
19. Copy of the Judgement/<sup>of</sup> Civil Judge , Pauni Garhwal
20. Copy of the Compromise filed in the Suit No. 40/81 Before the Civil Judge, Pauni Garhwal.
21. Copy of Registered Will dated 22.2.1988
22. Copy of the Reminder dated 4.1.88.
23. Copy of the Reminder dated 20.1.88.
24. Copy of the Reminder dated 21.6.88.
25. Copy of the Letter dated 7.7.88.
26. Copy of the Telegram dated 30.7.88.
27. Copy of the Letter dated 10.8.88.

कोशल्या गौनियाल

Lucknow

Dt. 2/2/1990

11  
काराल्या गौनियाल  
( APPLICANT )

VERIFICATION

I, the above named applicant Smt. Kushalya Guniyal, widow of Late Shri Govind Ram Guniyal, Ex-Assistant, S.O.(E)'s Section of the respondent no. 3, resident of House of Smt. Asha Gosin, Deep Nagar, Dhindha Thera, P.O. - Manak Nagar, Lucknow do hereby verify that the contents of paras 1, 4, 4(1), 4(2), 4(3), 4(4), 4(6), 4(8), 4(11), 4(12), 4(13), 4(14), 4(15), 4(16), 4(17), 4(18), 4(19), 4(20), 4(21), 4(22), 6, 7, 10, 11 and 12 of this application are true to my personal knowledge and those of paras 2, 3, 4(7), 4(9), 4(10), 5, 8 and 9 of this application are believed by me to be true, and that I have not suppressed any material facts.

Lucknow

Dt. 2/2/1990

To,

The Registrar,  
Lucknow Circuit Bench,  
Lucknow.

29  
काराल्या गौनियाल  
Applicant / Petitioner

I identify the above applicant who has signed before me.

(S. G. Dhasmani)  
Advocate

Counsel for applicant

Registration No. 71984/12/90

Smt. Kanchhya Gamiyal — Applicant

Union of India & two others — Opponents

Indian Postal Order of Rs. 50/-  
Serial No. 002466479 dated 17.12.90 issued  
by ~~Sub Post Office~~ <sup>Lalbagh</sup> P.O., Lucknow in  
favor of Registrar, C.A.T., Allahabad  
payable at Allahabad.

Lucknow  
Date 19/12/90

Prakash Chandra  
Counsel for the  
(Applicant)

ब अदालत श्रीमान् Central Administrative Tribunal महोदय  
[वादी अपीलान्ट] श्री Smt. Kausalya का वकालतनामा  
प्रतिवादी [रेंस्पाडेन्ट] Gauriyal

Smt. Kausalya  
वादी (अपीलान्ट) Gauriyal  
Union Singh  
प्रतिवादी (रेंस्पाडेन्ट) &  
Others.  
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बनाम

नं० मुकद्दमा

सन्

9/12/90  
पेशी की सा०

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Sabbash Chandra Dhasmana

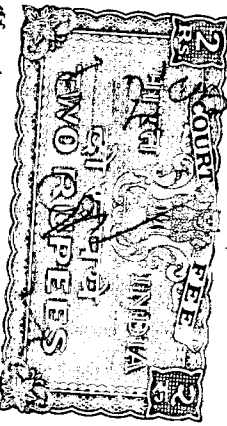
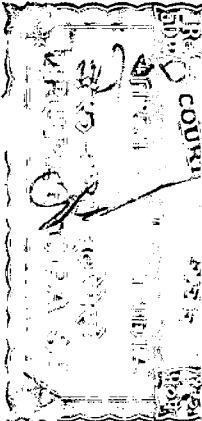
ऊपर लिखे मुकद्दमा में अपनी ओर से श्री.....

Anand Kumar  
Mauriy, District...  
वकील महोदय एडवोकेट

Sunit Chandra Dhasmana, Advocate.

को अपना वकील नियुक्त करके प्रतिज्ञा ( इकरार ) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया वर करे या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी व से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा उठावें या कोई रुपया जमा करें या हारी विपक्षी ( फरीकसानी ) दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त ( दस्तखती रसीद से लेवे या पंच नियुक्त करें—वकील महोदय द्वारा की गई सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोंकर को भे रहुंगा अगर मुकद्दमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

नाम अदालत
मुकद्दमा नं०
नाम फरीकत



हस्ताक्षर...

साक्षी (गवाह) ... साक्षी (गवाह) ...  
दिनांक ... 9.15 ... सहोना ... April/December ... सन् १९९० ई०

स्वीकृत

Accepted  
Sunit Chandra Dhasmana  
Advocate

SUNIT CHANDRA DHASMANA  
ADVOCATE  
C-1050, ARAWALI MARG  
INDIRA NAGAR  
LUCKNOW - 226 016

Chandra Bhasmata  
ADVOCATE

Off. & Resl.:  
C-1050, Arawali Marg,  
Indira Nagar,  
P. O. - Ram Sagar, Lucknow-226016  
LUCKNOW-226016  
INDIA

1. REGISTERED/A.D./

no. 11/10-604/1-2

Your Ref. : -----

Date : 10.12.1967

1. The Director General,  
Research designs & Standard Organisation,  
Ministry of Railways,  
Central Govt. of India (Union of India),  
Rajendra Nagar, Lucknow.-226 041.
2. The Secretary,  
Railway Board,  
Rajendra Nagar, New Delhi.
3. The Secretary,  
Union of India, (Rly. Deptt.),  
Ministry of Railways,  
Rajendra Nagar,  
New Delhi.

Dear Sirs,

Subject : Notice for the fixation of the family pension of Late Sri Govind Ram Gauniyal, Assistant in S.O. S. Section, R.D.S.O., Lucknow and its payment to effect from 0th November 1967.

Under the instructions from my client Mrs. Kaushalya Gauniyal, aged about 42 years, widow of Late Sri Govind Ram Gauniyal, R.D.S.O. Colony, Bank Nagar, Lucknow, I hereby issue the following notice upon your good selves :-

1. That my client is the widow of Late Sri Govind Ram Gauniyal who died on the 4th Nov-1967 while in active service with the Govt. of India, in the Office of the addressee no.1, while holding the post of 'Assistant' in the S.O.(R) S. Section.

2. That after his demise, Late Sri Govind Ram Gauniyal left behind his widow (my client), his mother Smt. Dikka Devi Gauniyal, his children namely, Promod Gauniyal, Manoj Gauniyal, Vinod Gauniyal and Rohan Gauniyal, all members of the joint family of the deceased.

3. That the said Smt. Dikka Devi Gauniyal, is 30 years old and is in good health. She is also having an ailing health and remains confined to her bed most of the time. She has also been a widow for 10 years and she was solely dependent for her survival.

Annexure NO 1.

Chandra Bhasmata

कौशल्या गौनियल  
(Applicant)

कौशल्या गौनियल

Chandra Bhasmata

10.12.1967

(2)

Our Ref.:

Your Ref.:

Date:

sanction upon his aforesaid late son, while residing with him in the joint family.

That late Sri Govind Ram Gauriyal was the sole earning member of his family, on whose income the very survival of his aforesaid wife, his mother and his all the children were completely dependent.

That at present there is no earning member in the family of the aforesaid deceased.

That my client is an uneducated lady.

That the said children of the aforesaid deceased, namely, Shobha Gauriyal is 17 yrs. old and at present studying in intermediate whereas the younger children namely Manoj Gauriyal, Shobha Gauriyal and Vinod Gauriyal are respectively 15, 13 and 11 years of age and all are studying.

That the joint family of the aforesaid deceased is at present facing grave financial crises and all the members are on the verge of starvation.

That my client made a written representation dated 12/1/1971 before the addressee no.1 for the fixation and payment of the family pension inter-alia for many other demands, but the same has not been replied till yet.

That more than one year has elapsed after the demise of late Sri Govind Ram Gauriyal, but neither the family pension has been fixed nor any amount of the said family pension has been paid to my client till yet.

#### visits

That my client has made several visits to the office of the addressee no.1 and requested for the aforesaid fixation and payment of the family pension, but all her efforts gone with the wind.

That my client is entitled for the fixation of the aforesaid family pension and its payment to her with effect from 1/1/1971.

That for the aforesaid non-payment and harassment, you and the addressee are jointly and severally responsible and liable to pay adequate amount of compensation and damages to my client.

That the cause of action has accrued in favour of my client and against you and addressee jointly or severally on 1/1/1971 as my client's aforesaid husband expired while in active service with the office of the addressee no.1 and subsequently the family pension in lieu thereof have not been fixed till yet, in favour of my client and no payment of the said family pension has been made to my client.

SC Dhasmana

...3/-

श्रीशक्ति गौनियाल  
(Applicant)

श्रीशक्ति गौनियाल

Phone : 76960

**Shri Chandra Dhanana**  
ADVOCATE

Otr. & Hous. :  
C-1050, Arwahi Marg,  
Indira Nagar,  
P. O. - Ram Sagar (Mishra Bldg.)  
LUCKNOW-226016  
INDIA

(3)

Duration :

Your Ref. :

Date :

and you, and thereafter on 14.12.1957 when my client made a written representation to the addressee no.1, and subsequently thereafter on each and every day when my client made several unsuccessful efforts, which cause of action is still accruing in favour of my client and against you all addressees jointly or severally as neither the said family pension has been fixed nor any payment in this regard has been made to my client.

That my client is entitled for the relief of the due and reasonable fixation of the family pension of Late Sri Govinda Bahadur Gauriyal as payable to my client and its entire payment to my client with effect from 01.11.1957.

Therefore you all the addressees are required to accept the notice that every one of you jointly or severally is hereby called upon to fix the due and reasonable family pension of Late Sri Govinda Bahadur Gauriyal as payable to my client aforesaid and also to pay to me the entire due amount of the family pension, to my client with effect from 01.11.1957 within 60 (sixty) days hereof from the date of service of this notice upon any one of you addressees ; failing which my client shall have no other recourse except to take suitable action in a competent court of law against you all addressees jointly or severally ; for the aforesaid purpose, at your costs and risks.

Thanking you,

Yours faithfully

*(Signature)*  
Chandra Dhanana

Advocate.

Dated : 10.12.1958

Note : This notice is without prejudice to any other right or title or entitlement of my client otherwise lawfully held against any one of your organisation/departments.

*(Signature)*  
(Chandra Dhanana)

*(Signature)*  
Kousalya Gouniyal

कौशल्या गौनियाल

1/63

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL,  
LUCKNOW CIRCUIT BENCH, LUCKNOW.

Registration No. O.A. 411/1990(L)

P.F. 22/2/1993

1993  
AFFIDAVIT  
73 IM  
COURT  
P



Smt. Kaushiya Gauniyal ..... Applicant  
Versus  
Union of India & others ..... Respondents

REJOINDER AFFIDAVIT ON BEHALF OF THE APPLICANT AGAINST  
THE REPLY DATED , OCT, 1992 OF THE RESPONDENT Nos.1 &2

1- That the contents of para 1 need no reply.

2- That the contents of para 2 (a) are partially wrong and misleading hence denied. It may be submitted that the <sup>deponent</sup> ~~deponent~~ and her sons and daughters were enjoying all the facilities granted by the Department to its employee's family members, as for instance Medical Identity card for medical facilities, Railway Pass, Ration card, the reimbursement of children <sup>school fee</sup> and joint Bank Account etc. It was all the time in the knowledge of the respondent's department that the deponent is the lawfully wedded wife of Lt. Shri Govind Ram Gouniyal and entitled to all the privileges and facilities of a house wife <sup>of</sup> ~~not~~ an employee which the deponent was enjoying without any interruption within the knowledge of the respondents.

काशीया गाुनीयाल

.....2....

The deponent has no knowlege of the said declaration which is as such denied.

3- That in relation to the contents of para 2 (b) it is submitted that the said Smt. Dikka Devi Gouniyal had been living with the deponent since beginning and it did not matter at all whether Smt. Dikka Devi Gouniyal or the deponent applies for the said succession certificate. Further the deceased's said mother Smt. Dikka Devi Gouniyal has also executed WILL dated 22/2/1988 entitling the deponent to succeed to the entire estate being law fully wedded wife of Late Shri G.R, Gouniyal .

4- That contents of para 2 (C) are wrong , self contradictory , misleading and misleading hence denied for the reasons stated above and also in the petition. In this para, it is admitted by the respondents that the deceased gave some "false statements " for obtaining Railway Pass, Medical Identity card and fee reimbursement in favour of deponent and her sons and daughters. This admission clearly proved that the deceased has diclosed to the respondent about name, age and relationship of the deponent, her son or daughter with him, on the basis of which such passes or cards were used. No such objection was ever raised by the respondent against the identity and status of the deponent, her son or daughter and their relationship with the deceased.

22-2-93

काश्या गौनियाल

5- That ~~the~~<sup>is</sup> relation to the contents of para 2 (d) it is submitted that the deponent had full knowledge<sup>2</sup> of the succession certificate being withdrawn by the deceased's ~~not~~<sup>✓</sup> her ~~Late~~<sup>✓</sup> Shrimati Dikka Devi Gouniyal being<sup>✓</sup> eldest member of the family, who was living with the deponent. In fact the deponent ~~has~~<sup>✓</sup> given her no objection affidavit ~~for~~<sup>✓</sup> the withdrawal of the said certificates by ~~Late~~<sup>✓</sup> Smt. Dikka Devi Gouniyal ~~without~~<sup>✓</sup> being<sup>✓</sup> mother of the deceased who was carrying out the management of the house being eldest member of the family.

6- That the contents of the para 3 and 5 no reply.

7- That the contents of the para 4 ~~are~~<sup>✓</sup> wrong and denied.

8- That the contents of para 6 are service records of the deceased, ~~but~~<sup>✓</sup> require no comment<sup>✓</sup>.

9- That the contents of para 7 are wrong and misleading hence denied. It may be pointed out that the deceased had obtained divorce with Smt. Dikka Devi Gouniyal on 15th May 1967 as per ~~customary~~<sup>✓</sup> ~~concerning~~<sup>✓</sup> rules ~~in the~~<sup>✓</sup> and thereafter the deceased got married ~~in~~<sup>✓</sup> the deponent lawfully on 02.02.1968 as per ~~concerning~~<sup>✓</sup> customary rites. ~~DE~~

काश्या गौनियाल

But letter on so as seek the declaration of the court,  
the deceased gave divorce <sup>to</sup> Smt. Dikka Devi on 26.02.1982  
and obtained a decree of divorce .

10- That the contents of the para 8 are wrong and  
misleading hence denied. The said succession certificate  
was withdrawn by late Smt. Dikka Devi Gouniyal being  
eldest member of the deceased's family comprising  
the deponent her sons and daughters and well with in  
the knowledge of the deponent who has also given her  
no objection for withdrawal of the said certificate  
by the deceased's mother.

11- That the contents of para 9 to 13 are wrong and  
denied.

12- That the contents of the para 14 need no reply.

13- That the contents of the para 1 to 12 of the  
application / petition are reiterated as correct.

22-2-93

lucknow

Dated- 22/2/93

कौशल्या गौनियाल

( Deponent )

कौशल्या गौनियाल

A/ST

VERIFICATION

I the above named applicant Smt. Kaushalya Gouniyal, ~~Widow~~ widow of Lt. Shri G. R. Gauniyal resident of house of Smt. Asha Gosin, B Deep Nagar, Dhindha Khera, P.o. Manak Nagar, Lucknow, here by verify that the contents of para 1 to 12/13 true to my personal knowledge and those of paras 12 are believed by me to be true.

काशाल्या गौनियाल

Lucknow.

(Deponent )

Dated:- 22/2/93

I identify the above deponent who has signed before me.

S. C. Dhasmana  
( S. C. Dhasmana )

Adocate

Counsel for applicant.

22-2-93

C.N. 73-1.14.  
10-15-93

श्री श्री दशमाना 2/2/93  
श्री श्री दशमाना 2/2/93

P. K. Leander

काशाल्या गौनियाल

22-2-93

REPORT OF THE HON'BLE CENTRAL ADMINISTRATIVE  
TRIBUNAL

LUCKNOW BENCH, LUCKNOW.

In

FN. - 22/12/92

Registration D.A. No. 411 / 1990 (L).

Smt. KAUSHALYA GAUMTZAL ..... Applicant.

Versus

Union of India & Others ..... Respondents.

REPLY ON BEHALF OF RESPONDENTS No. 1 to 3.

I, N.M. SENPAL aged about 52 years, son of Shri D.D. Sehgal presently posted as Deputy Director/Asst-I in the office of the Research, Designs & Standards Organisation (Ministry of Railways), Lucknow solemnly state as under :-

1. That I am presently working as Deputy Director/Asst-I in the office of the Research, Designs & Standards Organisation (hereinafter called as ADSC), Lucknow and have been duly authorised on behalf of the respondents for filing the instant reply. I have perused the relevant available records relating to the instant case kept in the official custody of the answering respondent and have also gone through the Application filed by the Applicant alongwith Annexures and have been acquainted with the facts and circumstances of the case deposed below.

2. That before giving parawise reply to the Application the answering respondents crave leave

N.M. Senpal

*Recd. to Secy  
22/12/92*

of the Hon'ble Tribunal to state certain relevant facts which are necessary and essential in appreciating the controversy involved in the instant case. They are as under :

- (a) That late Shri Govind Ram Gauniyal was appointed as Lower Division Clerk in RDSO w.e.f. 26.12.56 and subsequently got promotion to the post of Assistant w.e.f. 16.11. While working as Assistant in scale Rs.425-8 (RS), he expired on 04.11.87, i.e. before his actual retirement. The Applicant, Smt. Kaushalya Gauniyal is allegedly claiming as widow of the deceased. But no such declaration/statement was submitted by late Shri Govind Ram Gauniyal during his entire service life till death on 04.11.87. In this connection it may be mentioned that the deceased, as per his statement available in the record, had married one Smt. Mahadevi in the year 1956 and although they had a child but subsequently the child died. Thereafter, they had no issue. It is further stated that late Shri Govind Ram Gauniyal did not maintain his married wife Smt. Mahadevi who had moved an application in the Court of Hon'ble Civil Judge, Pauri Garhwal. After considering the merits of the case, the Hon'ble Civil Judge, Pauri Garhwal in his judgement dated 26.03.82 passed an order that the marriage

*M. N. Singh*

Annexure  
CA-1.

of Govind Ram Gauniyal with Smt. Mahadevi was dissolved ( A true copy of the said Judgement is annexed as Annexure CA-1). This apart a complaint was also received in February '75 from Smt. Mahadevi, married wife of late Shri Govind Ram Gauniyal that Shri Gauniyal had deserted her and married ~~an~~ another lady for the last 7 years but as late Shri Gauniyal did not report the matter to the Government which was required under the Railway Service Conduct Rules 1966 that no Railway Servant should enter into or contract a marriage with a person having a spouse living, provided that the Government may permit the Railway Servant to enter into or contract such marriage. Accordingly he was taken up and issued with a Charge Sheet with 3 articles of charges framed against him. His reply was considered. He submitted his declaration dated 27.4.79 during the course of enquiry proceedings that Smt. Mahadevi was his legally wedded wife and had no children. He also declared that his family consisted of self 45 years, widow mother of 78 years and widow sister of 52 years ( Copy of declaration is annexed as Annexure CA-2. ).

Annexure  
CA-2.

- (b) That after the death of late Shri Govind Ram Gauniyal, Smt. Mahadevi (divorced wife of the deceased employee), Smt. Dikka Devi (mother of the deceased employee), and the applicant applied for payment of settlement dues and pensionary benefits. Since there were 3 claimants vide letter dated 29.12.88

*M. V. Singh*

Annexure  
CA-3.

(copy enclosed as Annexure CA-3) all of them were asked to produce succession certificate. However, as Smt. Dikka Devi (mother of the deceased employee) alone produced the succession certificate duly granted by Hon'ble Civil Judge, Malihabad, Lucknow as per Judgement dated 04.02.89 (copy enclosed as Annexure CA-4), on its basis, all settlement dues pertaining to late Shri Govind Ram Gauniyal were accordingly paid to her.

Annexure  
CA-4.

- (c) That it is further submitted that late Shri Govind Ram Gauniyal during his life time never submitted any declaration to the effect that he had married Smt. Kaushilya Gauniyal (applicant) and she is his legally wedded wife and out of the said wed-lock she has four children.
- However, late Shri Govind Ram Gauniyal on false statements availed the benefit of Railway Passes / PFCs, Medical facilities and fees reimbursed etc., further.
- (d) That neither the applicant produced the succession certificate nor there being any declaration by late Shri Govind Ram Gauniyal that the applicant is his legally wedded wife, she is not legally entitled for any claim and the application is liable to be dismissed.

N. N. Singh

3. That the contents of paras 1, 2 & 3 of the Application call for no comments being matter of record.

4. That the contents of para 4(1) of the Application are denied and in reply the contents of para 2 of the instant reply are reiterated.

5. That the contents of para 4(2) of the Application call for no comments being a matter of record.

6. That in reply to the contents of para 4(3) of the Application, it is stated that late Shri Govind Ram Gauniyal (deceased) was appointed as Lower Division Clerk w.e.f. 26.12.56 in this Organisation and expired on 04.11.1987 rendering about 31 years of service and not 35 years as stated.

7. That the contents of paras 4(4) to 4(10) of the Application are not correct and hence denied. In reply the contents of paras 2(a) to 2(d) of the instant reply are reiterated. However, it is further stated that late Shri Govind Ram Gauniyal during his life time did not submit any declaration in the office that he got his second marriage with Smt. Kaushalya while his first wife Smt. Bahadevi living nor even he took permission for his second marriage during his service life till death. It is also pertinent to mention here that as per the details of family members submitted by Smt. Kaushalya through an Affidavit dated 12.11.87 (Annexure No.3

MV Singh

to the Application), the age of the eldest son, Premod Gauniyal was 16 years whereas the deceased divorced his first wife, Smt. Mahadevi on 26.3.82 meaning thereby that Smt. Kaushalya married the deceased before the divorce took place with first wife. This was quite illegal under the Railway Employees Service Conduct Rules. As such, the second marriage of the deceased with Smt. Kaushalya is illegal and not tenable in law and hence the claim of the Applicant is not acceptable.

8. That in reply to the contents of paras 4(11) and 4(12) of the Application, it is stated that Smt. Kaushalya was duly informed under this office letter No. A/EP-944 dt. 27.11.87 (Annexure No.4 to the Application) that late Shri Gevind Ram Gauniyal exercised his nomination for payment of SRPF dues only to Smt. Mahadevi and no other nomination papers are available in the records. It is also stated that when Smt. Kaushalya (Applicant) along with other claimants was asked to submit Succession Certificate from the Competent Authority for payment of other dues of the deceased under this office memo. No. A/EP-944 dated 29.12.88, the Applicant could not produce any Succession Certificate nor could raise any objection to the Notice issued by the Movable Court through Dainik Samachar Patra while Succession Certificate was issued to Smt. Dikka Devi, widow mother of the deceased. Therefore, the claim of the Applicant is denied.

9. That in reply to the contents of paras 4(13)(i) to 4(13)(xiii) of the Application the contents of

*M. J. Singh*

paras 2(a) to 2(d) of the instant reply are reiterated and any allegations to the contrary are denied.

10. That in reply to the contents of paras 4(14) to 4(22) of the Application, the contents of paras 2(a) to 2(d) and paras 7 and 8 of the instant reply are reiterated and any allegations to the contrary are denied.

11. That the contents of paras 5(1) to 5(xv) of the Application are emphatically denied. In reply it is stated that the grounds put-forth are not only devoid of any merits but also not legally sustainable in law and the same are liable to be rejected.

12. That in reply to the contents of paras 6 & 7 of the Application, it is stated that the Applicant is put to strict proof regarding the averments made therein.

13. That the contents of paras 8 and 9 of the Application are emphatically denied. In reply the contents of paras 2(a) to 2(d), and para 11 of the instant reply are reiterated and as such the Applicant is not legally entitled for any relief or interim relief prayed for and the instant Application is liable to be dismissed with cost.

14. That the contents of paras 10 to 12 of the Application being matter of record need no comments.

Place : Lucknow.

Dated : 24-11-92.

*M. V. Singh*  
RESPONDENT

VERIFICATION

I, M.N. SENGAL, posted as Dy. Director/Estt-1, in the office of Research, Designs & Standards Organisation (Ministry of Railways), Lucknow do hereby verify that the contents of paras 1 & 2 of the instant reply are true to my personal knowledge and belief and those of paras 3 to 14 are based on the knowledge derived from the available records relating to the instant case kept in the official custody of the answering respondents, and legal advice. Nothing material has been suppressed and nothing stated herein are false.

Verified this 24<sup>th</sup> day of November,  
1992 at Lucknow.

*M.N. Sengal*  
RESPONDENT

Present: - Smt. S. S. Srivastava.

Annexure - CA-1

Suit No. 40/31.

*24/11*

*Amended R-3*

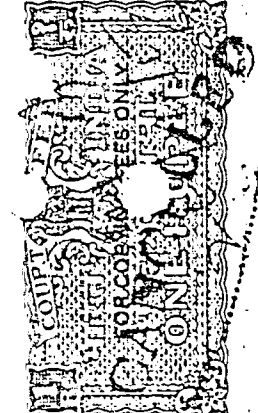
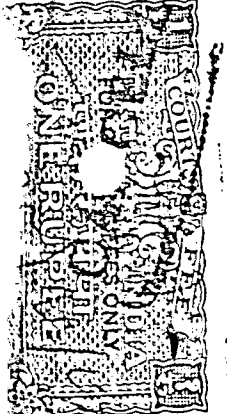
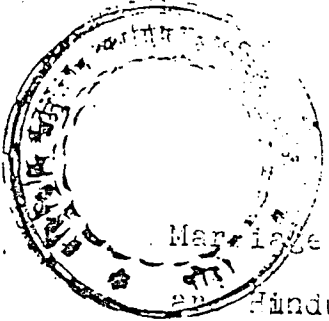
Govind Ram.....Petitioner.

Versus .

Smt. Maha Devi.....Respondant.

*2/5*

COPY OF JUDGMENT.



This is a petition for divorce U/s 13 of Hindu Marriage Act. It is admitted between the parties that both are Hindus and they were married together according to Hindu customs in the year 1953. ~~After~~ After marriage the respondent gave birth to a male child but subsequently he died.

2. It is alleged by the petitioner that about 14 years the respondent lived with him as his wife but could not give to birth to any other child. But subsequently the respondent became pregnant and ultimately the respondent in collusion with her parents, left the petitioner's house on 12.6.1967 and started living with her parents. The petitioner made several attempts to bring the respondent back to his house but did not succeed. The conduct of the respondent is such that petitioner is suffering mental pain and agony. There has been no relation as husband and wife between the petitioner and the respondent since June 1967. Thus, the respondent has deserted the petitioner without any reason. Therefore this petition was filed for divorce on the ground of desertion and cruelty.

3. The respondent has contested the suit and has denied the allegations of the petitioner. She has stated that the death of her first child, she could not give birth to any other child. Thereafter the petitioner remarried with another woman and has started living with her. The petitioner has four children from his second wife. It is the petitioner who has deserted the respondent and has been treating her cruelly. The petitioner did not maintain the respondent. Therefore the respondent moved on

*MV*

Proceedings of enquiry against Shri Govind Ram Gauni, Assistant, RDSO, Lucknow, held on 27th April, 1979.

Q.1 Have you seen the charge sheet and relevant documents ?

Ans. Yes

Q.2 Are you married ?

Ans. Yes, I am married.

Q.3 Are you aware of the Service Conduct Rules, specially pertaining to bigamous marriage ?

Ans. Yes.

Q.4 Whether you were married when you joined RDSO ? And if so, did you mention this fact in your charge report ?

Ans. I was married when I joined RDSO, There was no procedure to report this fact at the time of first charge report and so it was not reported.

Q.5 To which place your wife belongs ? What is your permanent home address ? What is the name and parentage and original home address of your wife ?

Ans. My wife belongs to district Garhwal, My home address is - Village - Pali, Tehsil- Lansdonne, Garhwal, My wife's name is Mahadevi, she is daughter of late Shri Givanand Badola, village - Badolgaon, Tehsil- Lansdonne, District Garhwal.

Q.6 How many children were born out of the wedlock ? State their date of birth, name and state what they are now doing, including addresses of schools etc.

Ans. I have no issues.

Q.7 When did you first bring your wife to Lucknow? Whether you were keeping your wife with you when you were at Chittaranjan ?

Ans. I brought my wife to Lucknow in 1962. Yes, I was keeping my wife with me when I was at Chittaranjan.

Q.8 Who is Shri Mati Mahadevi and how is related or known to you ?

Ans. She is my wife, married to me in 1956.

Q.9 As alleged by Shrimati Mahadevi that she is your legally wedded wife, what have you to say. Had you any children from her ?

Ans. She is my legally wedded wife. I have already stated that I have no issues.

*[Handwritten signatures and dates]*

Q.19 Have you got a Medical Identity Card ?

Ans. No

7/9

Q.20 Are you living in Rly colony (RDSO colony) and if so, why you are not availing facilities of medical treatment from Rly hospital ?

Ans. I do not prefer to have railway's medical treatment.

Q.21 Have you taken or taking any passes/PTOs for <sup>your</sup> children ?

Ans. I have not taken/taking passes/PTOs for my children.

Q.22 Kindly give details of your family members with names and ages who are living with you at present ?

Ans. My family at present consists of -1 Self, (45 yrs),  
2. Widow mother (78 yrs)  
3. Widow sister (52 yrs)

Q.23 Since when Shrimati Mahadevi is not living with you ?

Ans. Since January, 1975.

Q.24 After January, 1975 have you helped Shrimati Mahadevi financially and if so, in what capacity and what type of help ?

Ans. I have been helping her in cash and kind.

Q.25 When did you first file your nomination of SRPF and in whose name ? Have you made any subsequent changes and if so, why ?

Ans. As far as I remember, I filed nomination for SRPF in favour of Shrimati Mahadevi in 1962. I have not made any subsequent changes.

Q.26 Have you got any Insurance policy ? and if so, who is the nominee for its benefits ?

Ans. I have no Insurance Policy.

*Devi*  
27/4/79  
DDR/EL-II

*Devi*  
27/4

Received Copy  
in three forms  
25/9/79

*M. V. Singh*

~~Annexure-RT~~

Annexure-CA-3

CE 13/11/88  
29/11/88

29/11/88  
23/11/88

29-65  
Rajendra B

A/60

A/EP-944

4-12-88

MEMORANDUM

Smt. Dika Devi, widow mother, Smt. Maha Devi, the first wife (since divorced) but getting maintenance from the deceased till his death and Smt. Kaushlaya Gauniyal claiming to be the wife of the deceased, who have submitted their claims separately for payment of settlement dues in respect of late Govind Ram Gauniyal Ex. Asstt. who had expired on 4.11.87, are informed that they should submit the Succession Certificate issued under the provisions of Succession Act 1925 from the Competent Court of the respective jurisdiction, establishing clearly their right to the claims to enable this office to arrange payment to the legal heirs. They are further informed that while making an application in the competent Civil Court, they should clearly mention that there are other claimants also for the dues so that proper notices are issued to them by the competent Court of jurisdiction for the issue of Succession Certificate in favour of one or all.

2. The following settlement dues will be payable on production of Succession Certificate to the concerned party :-

I. Death-cum Retirement Gratuity :	Rs. 62,000.00
II. SRPF :	1,865.00
III. (a) GIS :	40,000.00
(b) Discounted value :	1,944.00
IV. Leave incashment for 146 days :	11,000.00
V. Salary for the period from 1.11.87 to 4.11.87 :	312.00
VI. PL Bonus for the period from April 87 to 4.11.87 :	1,350.00

Total: Rs. 1,18,471.00

DA: Nil

*(Signature)*  
(M. Lal)  
for Director General  
29/11/88

Contd....

Manager

Succession Certificate No. 19 of 1989  
(Under Section 372 of the Indian Succession Act 1925)  
In the Court of Civil Judge Malihabad at Lucknow.

Misc. Case No. 122 of 1988

Decided on : 4.2.1989

Smt. Dikka Devi Gauniyal , aged about 85 years , widow  
of late Shri Dharma Nand Gauniyal , resident of House  
No. B\_36/3, P.D.S.O. Colony, Manak Nagar ,P.S. Alambagh  
Lucknow. 226011. ....Applicant.

Versus

The Estate of late Shri Govind Ram Gauniyal , son of  
late Shri Dharma Nand Gauniyal , resident (at the time  
of death ) of House No. B\_36/3, P.D.S.O. Colony, Manak Nagar  
P.S. Alambagh , Lucknow. 226011. ....Opp. Party.

To,

Smt. Dikka Devi Gauniyal , aged about 85 years  
widow of late Shri Dharma Nand Gauniyal , resident  
of House No. B\_36/3, P.D.S.O. Colony , Manak Nagar  
P.S. Alambagh , Lucknow. 226011. ..Grantee/Applicant.

Whereas you applied on this 2nd day of  
November 1988 for a Succession Certificate under part  
X of the Indian Succession Act 1925 in respect of the  
following debts and securities as namely.



दिका देवी गाुनियल  
जन्मपत्र

M. N. Singh

## Debts

Nil

## Securities

S.No. Distinguishing Name ,title Amount as Marketvalue  
number or letter or class of per value of security  
of security of security of security on the date  
of applicat  
ion for cert  
tificate.

1. D. G. Research, Designs Death cum Rs.62,000/-Rs.62,000/-  
& Standard Organisation Retirement  
Govt. of India, Ministry Gratuity  
of Railways, Manak (D.C.R.G.)  
Nagar, Lucknow. 11.
2. " " G.I.S. Rs.40,000/-Rs.40,000/-
3. " " Discounted Value Rs. 1,944/-Rs. 1,944/-
4. " " S.R.D.F. Rs. 1,865/-Rs. 1,865/-
5. " " Leave Encashment Rs.11,000/-Rs.11,000/-
6. " " Salary for the Rs. 312/-Rs. 312/-  
period from  
1.11.87 to 4.11.87
7. " " P.L. Bonus for Rs. 1,350/-Rs. 1,350/-  
for the period  
from April 87  
to 4.11.87

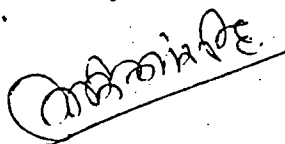
Total

Rs. 1,18,471/- = 00 Rs. 1,18,471/- = 00

This certificate is accordingly granted to you and empowers you to collect those debts and receive the (interest)(devidend) (on) (negotiate) and (transfer the securities).

Given under my hand and seal of this court on this 4th day of February 1989.

Prepared by :



(K.S.OJHA)

Checked by :



Civil Judge Malihabad

सिद्धि लखनऊ

बलनऊ

