

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE- 560 038.

Dated: 20 OCT 1994

APPLICATION NO: 322 of 1994

APPLICANTS:- Smt. Razia Begum,
V/S.

RESPONDENTS:- Secretary, M/o Railways, New Delhi & Others.

I.

① Sri. M. Raghavendrachar,
Advocate, no. 1074 & 75,
4th Cross, BSK-I Stage,
Mysore Bank Colony,
Bangalore-560050

② Sri. A.N. Venugopala Gowda,
Advocate no-8½, upstairs,
R.V. Road, Bangalore-560004.

Subject:- Forwarding of copies of the Order passed by the
Central Administrative Tribunal, Bangalore.
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Please find enclosed herewith a copy of the ORDER/
~~STAY ORDER/INTERIM ORDER~~ passed by this Tribunal in the above
mentioned application(s) on 06-10-94.

Issued on

20/10/94

[Signature]

[Signature]

[Signature]
20/10/94
for DEPUTY REGISTRAR
JUDICIAL BRANCHES

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

O.A. NO.322/94

THURSDAY THIS THE SIXTH DAY OF OCTOBER 1994

Shri Justice P.K. Shyamsundar ... Vice-Chairman

Shri T.V.Ramanan ... Member [A]

Smt. Raziya Begum,
W/o late Munawar Khan,
Adam Khan Bagewadi,
Aged 45 years,
C/o Abdul Razak Bellary,
Veerapur Oni, near
T.K. Habib Mill,
Aralikatti Chowk,
Hubli-20.

... Applicant

[By Advocate Shri M.R. Achar]

v.

1. The Secretary,
Union of India,
Ministry of Railways,
Railway Bhavan,
New Delhi.
2. the Chief Personnel Officer,
South Central Railway,
Secunderabad.
3. The Divisional Railway
Manager, S.C. Railway,
Hubli Division,
Hubli.
4. Chief Personnel Officer,
South Central Railway,
Hubli Division,
Hubli.

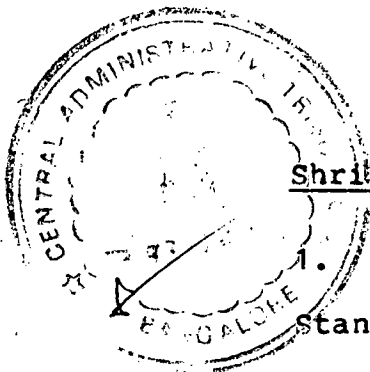
... Respondents

[By Advocate Shri A.N. Venugopal, Sanding
Counsel for the Railways]

O R D E R

Shri Justice P.K. Shyamsundar, Vice-Chairman:

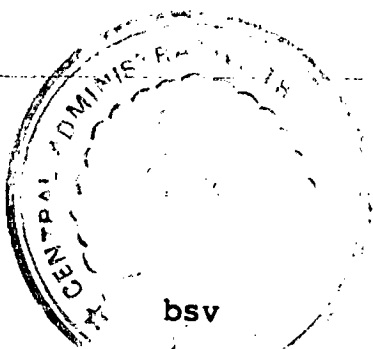
We have
1. After ~~having~~ heard Shri A.N.Venugopal, learned
standing Counsel, in this application wherein the
widow of a deceased Railway employee demands that
pensionary benefits be granted to her. The defence



put forward by the department is that it is unaware of the fact of the applicant being the wife of the deceased employee since it transpired that soon after the death of the said railway servant, one Zuleka Bi claiming to be his wife took away all the terminal benefits due and was also since drawing the family pension. In the circumstances the entitlement of the applicant for family pension was a matter to be decided by a civil court and that in the absence of any decision of the appropriate court of law, the department will not be in a position to entertain the claim by the applicant for being granted terminal benefits. We agree with the submission of the department as aforesaid. If the deceased employee really had two wives, the question arises as to which of them was entitled for the grant of terminal benefits. In such circumstances the issue herein being a debatable one we are not in a position to intervene on behalf of the applicant. We, therefore, leave open all the contentions raised herein and direct the applicant to ensure that the matter is settled by an appropriate court before making any claim for terminal benefits to which she may become entitled to in the event of a decree being made by the civil court in her favour. With these observations this application stands disposed

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of. No costs. We have passed this order in the absence of Shri M.R. Achar, learned counsel for the applicant since we were told by Shri A.N. Venugopal, standing Counsel that Shri Achar had no objection to the passing of the above order.



Sdr
MEMBER [A]

Sdr
VICE-CHAIRMAN

TRUE COPY

[Signature]
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore