

CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI

ORIGINAL APPLICATION NO. 210/98

Date of Decision: 10.12.98

Smt. Nageswari Devi petitioner/s

Shri S.N.Pillat. Advocate for the
petitioner/s.

v/s.

Union of India and others. Respondent/s

Shri R.R.Shetty for R2 Advocate for the
Shri V.S.Deokar for R3 Respondent/s

CORAM:

Hon'ble Shri Justice R.G.Vaidyanatha, Vice-Chairman.

Hon'ble Shri

(1) To be referred to the Reporter or not? *~~~~~*

(2) Whether it needs to be circulated to *~~~~~*
other Benches of the Tribunal? *~~~~~*

R.G. Vaidyanatha
(R.G. Vaidyanatha)
Vice Chairman.

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ON THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH 'GULESTAN' BUILDING NO:6
PRESCOT ROAD, BOMBAY:1

Original Application No. 210/98

Thursday the 10th day of December 1998.

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman.

Smt. Nageswari Devi
Residing at Room No.18,
Nanaseth Chawl
New Mill Compound,
Kurla (West)
Mumbai.

... Applicant.

By Advocate Shri S.N.Pillai.

V/s.

Union of India through
The General Manager,
Central Railway,
C.S.T. Mumbai.

The Divisional Railway Manager,
Central Railway,
Bombay Division,
C.S.T. Mumbai.

Ms. Basmatidevi
Room No.4, Chawl No.3
Samata Colony,
Lagoon Naka,
Akaldeep Society
Kalyan, District Thane.

... Respondents.

By Advocate Shri R.R.Shetty for respondent No.2

Shri V.S. Deokar for respondent No. 3.

O R D E R (ORAL)

{ Per Shri Justice R.G.Vaidyanatha, Vice Chairman }

This application has been filed by the applicant praying for a direction to the official respondents to pay her the family pension. The respondents 2 and 3 have filed reply opposing the application. I have heard the learned counsel for both the sides.

2. The applicant, Nageswari Devi is wife of Shri Ramloki Prasad who was a Railway employee who died on 16.11.1992. The applicant being the widow of the deceased employee is entitled to family pension. Since the official respondents

did not pay her family pension and insisted her to produce succession certificate, she approached this Tribunal for getting a direction for payment of family pension.

3. The stand of the official respondents is that since there are two widows left behind by the deceased employee and there is rival claim of the two widows, the family pension cannot be paid to applicant.

4. In this case there is dispute regarding family pension. I am told that regarding other service benefits Gratuity, arrears of HRA etc. respondent No.3 has already filed Testamentary petition 516/96 on the file of the High Court of Bombay.

5. At the time of argument, the learned counsel for the applicant, on instructions from the applicant, submitted that her claim is only regarding family pension and she will not come in the way of respondent No.3 drawing the four amounts mentioned in the Testamentary Petition 516/96 filed in the High Court of Bombay. The learned counsel for the respondent No.3, on taking instructions from his client, who is before the Tribunal, submitted that she has no objection for payment of family pension to the applicant.

In view of these submissions, made by the counsels, it is not necessary for me to go into the merits of the application.

The learned counsel for the official respondents Shri R.R.Shetty states that his administration will pay the amount as per the direction of the Tribunal.

6. Admittedly the applicant is a legally wedded wife of a deceased employee. Therefore legally also the applicant is entitled to family pension. Now respondent No.3 has also given No objection statement through her advocate. Hence no legal impediment in applicant getting family pension.

7. In the result the O.A. is allowed. It is made clear that the applicant is entitled to family pension as per rules from the date of death of her husband Shri Ramloki Prasad, Ex.Fitter working under Senior DEE(TRS) Kurla who died on 16.11.1993. The official respondent No.1 and 2 are granted six weeks time to comply from the date of receipt of copy of this order. If the family pension is not released with six weeks from the date of receipt of copy of this order, then for the period beyond the period of six weeks, the official respondents are directed to pay interest at 12% per annum till the date of payment.

In the circumstances of the case there will be no order as to costs.

R.G. Vaidyanatha
(R.G. Vaidyanatha)
Vice Chairman

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