

9

REVIEW APPLICATION NO.27 of 1987

in

ORIGINAL APPLICATION NO.407/1987

.....

(ORDER of the Bench passed by the Hon'ble Member(J)  
SRI D.SURYA RAO)

\*\*\*\*\*

1. This Review Application is filed for reviewing the orders of this Tribunal passed on 29-6-1987 in O.A.NO. 407 of 1987. O.A.NO. 407/87 was filed by one of the two wives of a deceased employee of the South Central Railway, wherein the applicant sought a direction that Respondent No.1 viz., the Divisional Manager, South Central Railway, Secunderabad, may be directed to disburse all monies payable on account of the death of Late M.Satyanarayana to the applicant and also to provide suitable employment<sup>to her</sup> on compassionate grounds. The applicant states that Late Satyanarayana married the applicant on 14-10-1977 at Tirumala. He left a Will in August, 1986 bequeathing to the applicant the right to receive the G.P.F. accumulation, Family Pension, Gratuity, etc., and also to seek employment

contd..2

P3  
22

10  
...2..

in the Railways on compassionate grounds. The applicant further states that when she requested the respondent in terms of the Will to disburse all the monies due to her, the Respondent <sup>did</sup> does not complied with her request. The applicant filed a <sup>affidavits of</sup> ~~petition from~~ five different neighbours in proof of her being the wife of late N.Satyanarayana. The 2nd respondent impleaded to the application is one Smt.Jhansi Rani, who the applicant states had left late N.Satyanarayana long ago. Along with the application, the applicant has filed a copy of Suit notice issued ~~by~~ on her behalf to the 1st respondent stating that the marriage of Late Satyanarayana and <sup>Smt.</sup> Jhansi Rani had broken down, that thereafter Late Satyanarayana had married the applicant Smt.Balamani, that Satyanarayana died on 26-9-1986, that the applicant had petitioned the authorities for payment of monies due and also to provide employment, that the applicant learned that Smt.Jhansi Rani also has <sup>with a</sup> approached the authorities claiming to disburse <sup>to her</sup> of all monies due on the ground that she was the

84  
20  
contd..3

W

Original

2. We had dismissed the application at the stage of admission stating that this Tribunal has no jurisdiction to dispose of Civil disputes and that the party may approach <sup>a</sup> proper Civil Court <sub>L</sub> for declaring her status, rights etc. It is this order which is sought to be reviewed in the present application. It is contended that the dispute being one in relation to the payment of money <sup>the</sup> in the hands of Ist respondent, the Tribunal alone is competent to adjudicate upon the relative claims. It is contended that her claim is based on the last Will and testament of the deceased civil servant and she being a beneficiary, ~~she~~ cannot move the Civil Court since the matter is inseparably related to the Service matters. It is further contended that the Rules governing the conditions of

85  
/ 100

12 ✓  
..4..

service under the Railways provide for appointment  
(appointment)

when a deceased has left more than one wife and

such a provision being a condition of service, this

Tribunal alone is competent to adjudicate the

dispute to the total exclusion of all other Courts.

Section 29-A of the Administrative Tribunals (Amendment)

Act, 1986, confirms the exclusion of all other Courts.

3. We have heard the arguments of Smt. Tripura Sundari, learned counsel for the applicant and Shri N.R. Devaraj, Standing Counsel on behalf of the Respondent No.1.

4. We are unable to agree with the contentions of the learned Counsel for the applicant. Section 14 of the Administrative Tribunals Act is the relevant provision which confers jurisdiction on this Tribunal in relation to the service matters and rights of Civil servants under the Central Government. Section 14(1) reads as follows:

"14. Jurisdiction, powers and authority of the Central Administrative Tribunal--

(1) Save as otherwise expressly provided in this Act, the Central Administrative Tribunal shall exercise, on and from the appointed day,

all the jurisdiction, powers and authority exercisable immediately before that day by all courts (except the Supreme Court in relation to--

- (a) recruitment, and matters concerning recruitment, to any All India Service or to any civil service of the Union or a civil post under the Union or to a post connected with defence or in the defence services, being, in either case, a post filled by a civilian;
- (b) all service matters concerning--
  - (i) a member of any All-India Service; or
  - (ii) a person (not being a member of an All India Service of a person referred to in clause (c)) appointed to any civil service of the Union or any civil post under the Union; or
  - (iii) a civilian (not being a member of an All India Service or a person referred to in clause (c)) appointed to any defence services or a post connected with defence, and pertaining to the service of such member, person or civilian, in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or of any corporation (or society) owned or controlled by the Government;
- (c) all service matters pertaining to service in connection with the affairs of the Union concerning a person appointed to any service or post referred to in sub-clause(ii) or sub-clause(iii) of clause (b), being a person whose services have been placed by a State Government or any local or other

authority or any corporation (or society) or other body, at the disposal of the Central Government for such appointment."

It is clear on reading of the above cited section 14(1)

that the jurisdiction of this Tribunal is limited to  
determination of disputes relating to

[recruitment, matters concerning recruitment and

all other service matters pertaining to members of

All India Service, persons appointed to any Civil

service of the Union or any Civil post under the

Union or to a civilian appointed to any Defence

service. The question involved in the Review

application does not deal with any service matters

of the <sup>a</sup> Central Government employees. The dispute

per-se is one as to who is the legal heir of  
deceased

a <sup>her</sup> Government employee and what is the status thereon.

<sup>p</sup> The question that would arise for determination is

whether the applicant is the legal wife of the

deceased, and in the alternative, whether, irrespective

of her being the legal wife, she is entitled under

the Will to succeed the property of the deceased.

Apart from the question of determination of the

15  
..7..

status, these are the matters to be determined under

the provisions of the Indian Succession Act. No

jurisdiction is conferred on the Tribunal under

the ~~said Act~~ <sup>Succession Act or</sup> to determine the status of individuals

who are admittedly not holders of Civil post.

It is, therefore, incumbent on the applicant to

approach Civil Court and obtain either Succession

Certificate or probate of the will and establish

her right to the properties left behind by the

deceased and her right to employment if she is

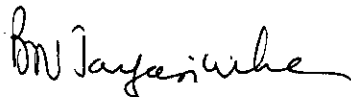
able to establish that she is the ~~sole~~ wife of

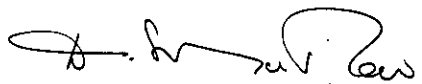
the deceased to the exclusion of anyone else.

We find no reason for review of our order.

The Review application is accordingly dismissed.

There will be no order as to costs.

  
(B.N. JAYASIMHA)  
Vice Chairman

  
(D. SURYA RAO)  
Member (Judl)

89  
Dt. 13<sup>th</sup> November, 1987.

\*SQH\*

.....