

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

CONTEMPT PETITION NO.21 of 1996
IN
ORIGINAL APPLICATION NO.161 of 1994

Date of Order: 18.4.1996

Between:

Y.KAMESHWARAMMA

.....PETITIONER

and

1. Shri K.M.Rao,
General Manager,
South Central Railway,
Secunderabad,

2. Shri Shyam Kumar,
Divisional Manager,
South Central Railway,
Vijayawada.

..... RESPONDENTS

COUNSEL FOR THE APPLICANT: Ms. PARVATHI TIRUMALESH

COUNSEL FOR THE RESPONDENTS: SHRI K.SIVA REDDY, Standing
Counsel for Railways.

CORAM:

HON'BLE SHRI JUSTICE M.G.CHAUDHARI, VICE CHAIRMAN

HON'BLE SHRI H.RAJENDRA PRASAD, MEMBER (ADMN.)

JUDGEMENT

ORAL ORDER (PER HON'BLE SHRI JUSTICE M.G.CHAUDHARI,
VICE CHAIRMAN)

Heard Ms.Parvathi Tirumalesh, learned counsel
for the petitioner and Shri K.Siva Reddy, learned
Standing Counsel for the Respondents.

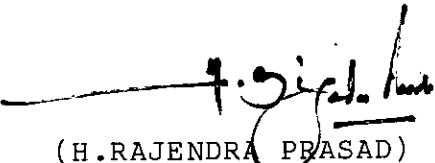
2. The claim of the applicant for family pension on
the basis that she is the widow of the late Railway
employee Shri Y.Subbarayudu, Engine Fitter, was denied by
the respondents. In the earlier O.A.No.161 of 1994 filed
by her for the directions to the respondents to grant her


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pension, this Tribunal by order dated 9.2.95 directed the respondents to verify the genuineness of the certificate rendered by the Mandal Revenue Officer dated 16.12.93 in order to determine whether the applicant be entitled to claim family pension or not. From the reply of the respondents, it is seen that enquiries were made with the Mandal Revenue Office and it was found that the certificate produced by the applicant was not genuine and had not been issued by the said office. It also appears from the report of the Inspector made in this connection that enquiries with the known staff of the Loco Shed where the deceased had been working revealed that for nearly 20 years, the deceased and the applicant were not living together. The scope of the inquiry that would be made by the respondents could not take shape of the Civil Suit. The enquiry made is sufficient to hold that there has been compliance of the direction in the original order. No question of contempt, therefore, can arise. However, the matter would not rest there. In order to render the original order meaningful, it will have to be left open to the applicant to establish her marital status by obtaining declaration from Civil Court that she is legally wedded wife of the deceased. On ^{such a} ~~so~~ declaration ^{being} ~~to be~~ obtained by her from the competent Civil Court and it being produced before the respondents, the respondents will be required to take a final decision on the question of her entitlement for family pension within the ambit of the original order. Accordingly it is made clear that the applicant will be at liberty to

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obtain declaration of her status from the competent Civil Court and after such a decision is obtained and produced before the respondents, the respondents shall deal with her claim for family pension in accordance with law within a period of three months thereafter. The Contempt Petition is disposed of in terms of the aforesaid order.


(H. RAJENDRA PRASAD)
MEMBER (ADMN.)


(M.G. CHAUDHARI)
VICE CHAIRMAN

DATED: 18th APRIL, 1996
Open court dictation

vsn


Deputy Registrar DCC