

18

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

O.A.NO. 852 of 1995.

Between

Dated: 21.12.1995.

Smt. B.Yellamma

...

Applicant

And

1. The Senior DEN/W(Divisional Engineer Works), South Central Railway(BG), Secunderabad.
2. The General Manager, South Central Railway, Secunderabad.

...

Respondents

Counsel for the Applicant : Sri. B.Kamalekar Rao

Counsel for the Respondents : Sri. G.S.Sanghi, SC for Rlys.

CORAME

Hon'ble Mr. A.B.Gorthi, Administrative Member

Contd:...2/-

O.A. 852/95.

Dt. of Decision : 21-12-95.

ORDER

{ As per Hon'ble Shri A.B. Gorthi, Member (Admn.) }

The applicant is the widow of Late Sri B. Hanumaiah who, having taken voluntary retirement with effect from 01-09-92 died on 13-09-1993. Although the retiral benefits due to the employee were paid to him, after his death, his family pension has not been paid to any one, for the reason, that the respondents took a view that there is a dispute between the applicant and one of Smt. Sathyamma, both claiming to be the wives of the Late Shri Hanumaiah.

2. The applicant states that she has got 7 children from the marriage. As she did not receive any pension, she sent a legal notice to which there is no response.

3. The respondents in their reply affidavit stated that as per the service record of the employee, Smt. Sathyamma was shown as wife in all the pension papers submitted by the employee. A copy of the pension papers submitted by the employee has been produced for my perusal. The employee has shown Smt. Sathyamma as the wife and further furnished the following particulars:-

Sl. No.	Name (in Block letters)	Relationship with the Railway servant	Date of birth (by christian era)	Remarks
1.	Smt. Sathyamma	Wife	1-3-1945	
2.	Bandamma	Daughter	2-4-1980	
3.	Babu	Son	1-3-1984	
4.	Chitti	Daughter	5-2-1988	
5.	Raju	Son	2-5-1989	

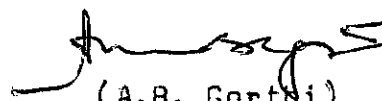
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In the service record I find letter No. STF/18/1/Voluntary retirement/89 dated 13-12-1990 from AEN, Vikarabad addressed to Sr. Divisional Engineer (W) BG, Secunderabad, which clearly indicates that "as per the family declaration executed by the employee during the year 1962 Smt. Yellamma was shown as his wife. In the family declaration submitted on 25-02-1983, the name of Smt. Sathyamma was written as wife and the same name was given in nomination of General Insurance Scheme of Central Government employees. The above documents, the genuineness of which is not in dispute, clearly shows that the applicant is the first wife of the employee and that the employee declared her as his wife in the family declaration executed by him during 1962. Apparently, he married Smt. Sathyamma later some time during 1979-80. In this context, learned counsel for the applicant states that the employee never married Smt. Sathyamma but was just keeping her in his house. Whatever may be the position, even if the employee had married Smt. Sathyamma such marriage having been contracted during the subsistence of the first marriage, the respondents ought not to have accepted the second declaration given by the applicant in 1983, which was contrary to law.

4. The respondents in their reply affidavit have stated that neither Smt. Sathyamma nor Smt. Yellamma approached the respondents for grant of family pension. They denied having received any legal notice from the applicant. The respondents, however, stated that the family pension has not been disbursed either to Smt. Sathyamma or to the applicant.

5. The service record very clearly indicates that Smt. Yellamma ^(now widow) ~~was~~ the wife of the employee and as such entitled to family pension. Accordingly the OA is allowed with a direction to the respondents to pay her family pension due with effect from 13-09-1993. Arrears accruing ⁱⁿ ~~on~~ this context shall be calculated and paid to her within a period of three months from the date of communication of this order.

6. The OA is ordered accordingly. No costs.


(A.B. Gortni)
Member (Admn.)

Dated : The 21st December 1995.
(Dictated in Open Court)


Deputy Registrar (Judl.)

Copy to:-

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1. The Senior DEN/W (Divisional Engineer Works), South Central Railway (BG), Secunderabad.
 2. The General Manager, South Central Railway, Secunderabad.
 3. One copy to Sri. B. Kamalakara Rao, advocate, CAT, Hyd.
 4. One copy to Sri. G.S. Sanghi, SC for Rlys, CAT, Hyd.
 5. One copy to Library, CAT, Hyd.
 6. One spare copy.

Rsm/-

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COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD.

HON'BLE SHRI A.B.GORTHY : MEMBER(A)

HON'BLE SHRI

DATED: 21/12/95

ORDER/JUDGMENT

M.A.NO./R.A./C.A.NO.

IN

O.A.NO. 852/95

ADMITTED AND INTERIM DIRECTIONS
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

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No

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HYDR