

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.1555/95

Date of Order: 19.8.96

BETWEEN:

Smt.S.Devamani

.. Applicant.

AND

1. The General Manager,
S.C.Rly., Secunderabad.
2. The Divisional Railway Manager,
S.C.Rly., Hyderabad(MG) Division,
Secunderabad.
3. S.Neelavathi

.. Respondents.

Counsel for the Applicant

.. Mr.V.Srinivas

Counsel for the Respondents 1&2

.. Mr.V.Rajeswara Rao

Counsel for the Respondent No.3

.. Mr.J.Sudheer

CORAM:

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

J U D G E M E N T

X Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) X

Heard Mr.V.Srinivas, learned counsel for the applicant ,
Mr.V.Rajeswara Rao, for the official respondents and Mr.J.Sudheer,
for R-3.

2. The applicant in this OA is stated to be the legally
wedded wife of one late S.Rama Murthy who worked in railways.
She ~~had~~ got 2 daughters and a son through him. It is further
stated that R-3 is not ~~a~~ legally wedded wife to late Sri Rama Murthy
and her name had been got entered in the service register of the

A

late employee mischievously as a nominee striking off the name of the applicant herein. It is further stated that the applicant and her deceased husband were not in cordial terms and it is also alleged that her husband and R-3 forced her to vacate the house. It is further averred by the applicant that she is a cancer patient and it is in advance stage. Due to the ailment she is incurring huge expenditure for the medical expenses.

3. When the applicant approached R-2 seeking payment of family pension it was denied to her but it was paid to R-3 who is working in Hindustan Aeronautics Limited drawing a salary of Rs.6,000/- p.m. The other final settlement dues had been paid to the ex-employee who died after receiving the final settlement and pension for some time. The family pension though was initially paid to R-3, the same was subsequently stopped in proceedings No. YP/500/SCTT/13/89, 90 dated 16.12.94 due to the representation by the applicant to pay her the family pension.

4. This OA is filed praying for a direction to the Respondents 1 and 2 to grant her family pension.

5. A reply has been filed in this connection. The sum and substance in the reply is that the present case is a case of dual claim and hence the applicant was asked to produce the succession certificate. The respondents also did not agree for sharing the family pension between the 2 claimants.

6. The learned counsel for the respondents brought to my notice Rule 7(1)(a) of the Railway Servants (Pension) Rules 1993 which stated that "where the family pension is payable to more widows than one, the family pension shall be paid to the widows in equal share". The applicant is having 2 daughters and a son through the deceased employee whereas R-3 is having 3 sons and 1 daughter through the deceased Rama Murthy.

7. Considering the situation in which both the families who

✓

.. 3 ..

had borne children through the same deceased employee is placed an equitable solution has to be found so that the children born to both the claimants do not suffer financially. Further the applicant is in the advance stage of cancer. Hence she may need money to take care of her health. It is also stated that one of her daughter is unmarried and residing with her. Under the circumstances I suggested to all the parties an equitable solution more or less ~~adhesive~~ ^{adhering} to Rule 7(i)(a) of the Railway Servants (Pension Rules) 1993. The suggested solution is:-

(i) The family pension may be paid fully now to the applicant herein till she survives as she is in the advance stage of cancer.

(ii) After the death of the applicant herein the family pension may be divided equally between R-3 and unmarried daughter of the applicant. Sharing as above is to be continued till the unmarried daughter of the applicant marries or she attains the age of 25 years which ever is earlier.

(iii) The family pension will be paid fully to R-3 after the unmarried daughter of the applicant ceases to be eligible for receiving half the family pension in accordance with the item (ii) above.

8. Both the applicant and R-3 ~~had~~ ^{reservedly} agreed to the above solution. The learned standing counsel for the respondents submitted that in view of the acceptance of the solution as above by the applicant and R-3 he has no reservation to comply with the order.

9. In view of the above the following direction is given:-

(i) The applicant should be paid full family pension till she survives.

(ii) After the death of the applicant the family pension shall be shared equally between the un-married daughter of the applicant and R-3

.. 4 ..

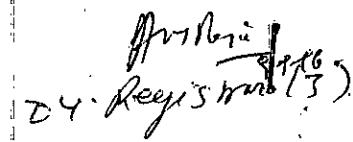
till such time the un-married daughter is married or attains the age of 25 years which ever is earlier.

(iii) The family pension should be paid fully to R-3 after the un-married daughter of the applicant ceases to be eligible for receiving half the family pension in accordance with item (ii) above.

10. The OA is ordered accordingly. No costs.


(R. RANGARAJAN)

Member (Admn.)


D.Y. Registrar (3)

Dated: 19th August, 1996

(Dictated in Open Court)

sd

OA.1555/95.

Copy to:-

1. The General Manager, S.C.Rly, Secunderabad.
2. The Divisional Railway Manager, S.C.Rly, Hyderabad (MG) Division, Secunderabad.
3. One copy to Sri. V.Srinivas, advocate, CAT, Hyd.
4. One copy to Sri. V.Rajeswara Rao, Advl. CGSC, CAT, Hyd.
5. One copy to Sri. J.Sudheer, advocate, for R-3, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

9/9/96

Typed By
Compared by

Checked By
Approved by

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R.RANGARAJAN: M(A)

DATED:

19/8/96

ORDER/JUDGEMENT
R.A/C.P./M.A.NO.

O.A.NO.

155/95

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

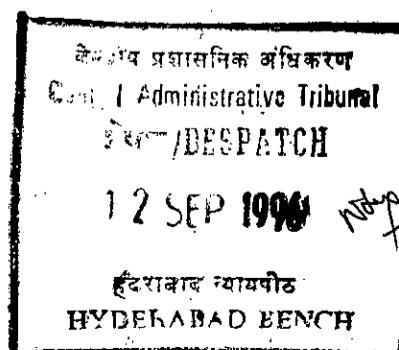
ORDERED/REJECTED

NO ORDER AS TO COSTS.

YLKR

II COURT

No Spare Copy



20