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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

O.A.NO.211 of 1995.

Between

Dated: 28.8.1995.

Smt. Venkataratnamma

...

Applicant

And

1. The Chief Post Master General, A.P.Circle, Dak Sadan, Abids, Hyd.
2. The Senior Superintendent, RMS, 'Y' Division, Vijayawada.

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Respondents

Counsel for the Applicant

: Sri. K.Sudhakar Reddy

Counsel for the Respondents

: Sri. N.R.Devaraj, Sr. CGSC.

CCD:AM

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

Contd:... 2/-

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O.A.No.211/95

Date of Order: 28.8.95

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

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The applicant is the widow of late Sri V.Venkateswara Rao who expired on 22.9.93 while working as L.S.G. S.A., RM.S. Vijayawada. The applicant states that her ^{and that} only son Sri V. Srirama Krishna Rao, is aged 16 years her request for family pension and other pensionary benefits due to her as the widow of the late employee was rejected by the respondents on the ground that ^{she was not the lawfully wedded wife of late Sri V.} V.Venkateswara Rao. Hence this OA is filed praying that the impugned order dated 10.11.84 of the Senior Superintendent RMS, Vijayawada be set aside and that the respondents be directed to pay her family pension and all other pensionary benefits due to her on the death of her husband.

2. The applicant states that the first wife of the employee died on 20.8.76. In support of her contention a certificate of death issued by the Registrar of births and deaths, Municipal Corporation, Vijayawada dated 12.7.94 is annexed to the OA. It is further contended that the employee declared her only son Sri V.Srirama Krishna Rao ~~as~~ as the nominee for receiving the benefits under the Central Government employees Group Insurance Scheme.

3. The respondents strongly refuted the claim of the applicant. According to them the first wife of the applicant died only on 20.12.93 and as such the applicant, even if ~~she~~ married to the employee cannot be considered to be a lawfully wedded wife of the applicant. ^{as such} ~~as~~ marriage would be during the subsistence of the first marriage.

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4. The respondents have shown me the relevant service record. It is seen therein that the applicant himself addressed a letter to the Head Record Officer, RMS, Vijayawada on 2.5.91 particulars of which read as under:-

"Sir,

Sub:- Family Members - Reg.

I submit that my first wife (viz.) V.Satyavathi expired in the year 1978. She is not having any children at the time of her death. Thereafter I married Smt. V.Venkataratnamma. The details of her children are as follows.

V.Rajeswari - DOB - 16.12.66

This is for favour of information Sir".

5. From the above, it is evident the version of the employee (V.Venkateswara Rao) was that his first wife expired in 1978. This is contrary to the version of the applicant that the first wife died on 20.8.76. This is also at variance from the version given by the respondents that the first wife of the applicant died on 1993. It can further be seen that the applicant himself declared V.Rajeswari as the daughter begotten from the second wife and that her (the daughter's) date of birth is 16.12.66. If the employee had married the applicant after the expiry of his first wife in 1978, the birth of the daughter on 16.12.66 could not have been during the wedlock with the second wife.

6. Although strong reliance is placed by the learned counsel for the applicant on the death certificate issued by the Registrar of Births and Deaths to the effect that Smt V.Satyavathi (the first wife of the applicant) died on 20.8.76, it is to be noted that the certificate itself shows that the record of such date was made not at or

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Copy to:-

1. The Chief Post Master General, A.P.Circle, Dak Sadan, Abids, Hyd.
2. The Senior Superintendent, RMS, 8Y' Division, Vijayawada.
3. One copy to Sri. K.Sudhakar Reddy, advocate, CAT, Hyd.
4. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-

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about the time of the death, but in the year 1994.

Not much reliance can therefore be placed on the said document.

7. In view of the afore-stated circumstances of the case, I find that there is nothing on record to conclusively establish, firstly, the date of death of the first wife of the employee, and secondly the date of applicant's marriage with the employee. Until and unless the status of the applicant as the lawfully wedded wife of the late employee is established, I am not in a position to direct the respondents to pay her family pension and other benefits. As regards the question whether the applicant is the lawfully wedded wife of the employee, the same has to be determined by a competent Civil Court after receiving evidence, if any, in this regard.

8. In the result, the OA is dismissed. It is open to the applicant to approach the appropriate court of law for a declaration that she is the lawfully wedded wife of late Sri Venkateswara Rao. It is only thereafter that the respondents can consider the eligibility of the applicant for family pension and all other benefits.

9. Mr. Sudhakar Reddy states that although the son was nominated to receive the CGIS benefit, the same was not paid. This issue may be examined by the respondents and necessary orders passed within two months from the date of communication of this order.

10. No costs.

Amulya
(A.B.GORTHI)
Member (Admn.)

Dated: 28th August, 1995

(Dictated in Open Court)

Amulya
Dr. Registrar (3)

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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

HON'BLE MR. A.B. GORTHI, ADMINISTRATIVE MEMBER.

HON'BLE MR.

JUDICIAL MEMBER.

ORDER/JUDGEMENT:

DATED: 22/9/95. 1995.

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

IN

O.A.NO.

21/9/95

T.A. NO.

(W.P.NO.)

ADMITTED AND INTERIM DIRECTIONS ISSUED.

ALLOWED.

DISPOSED OF WITH DIRECTIONS.

DISMISSED.

DISMISSED AS WITHDRAWN.

DISMISSED FOR DEFAULT.

ORDERED/REJECTED.

NO ORDER AS TO COSTS.

Rsm/-

No Spare Copy

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