

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 03.07.2001

OA No.485/2000

Smt. Saroj Devi w/o late Shri Kishan Singh, Ex. Mason Grade-III Ticket
No. 80329/36, Loco Workshop, Western Railway, Ajmer

..Applicant

Versus

1. Union of India through the General Manager, Western Railway, Churchgate, Mumbai.
2. Chief Works Manager, Loco Workshop, Western Railway, Ajmer.
3. Dy. Chief Electrical Engineer (Workshop) Western Railway, Ajmer.

.. Respondents

Mr. N.K.Gautam, counsel for the applicant
None appeared for the respondents

CORAM:

Hon'ble Mr. S.K.Agarwal, Judicial Member

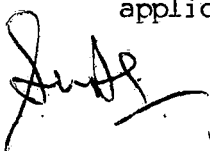
Hon'ble Mr. A.P.Nagrath, Administrative Member

ORDER

Per Hon'ble Mr. S.K.Agarwal, Judicial Member

In this application filed under Section 19 of the Administrative Tribunals Act, the applicant makes a prayer to direct the respondents not to ask for succession certificate from the applicant. Further directions are also sought to grant in favour of the applicant settlement dues and family pension as permissible to the family of the deceased employee.

2. In brief, the case of the applicant is that applicant's husband, late Shri Kishan Singh, who was employed in Railway service died on 14.12.99 while in service, leaving behind him his wife, the applicant, one son and two daughters. It is stated that applicant is

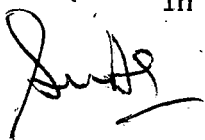


entitled to the settlement dues of her husband, a family pension and appointment on compassionate grounds for one of the family members and applicant is legally wedded wife of the deceased railway employees, but respondents No.3 has advised vide letter dated 15.6.2000 to the applicant that she has to submit a succession certificate from the competent court. It is stated that demand of succession certificate from the applicant is wrong, illegal, unconstitutional and not sustainable in law. The applicant has, therefore, filed this application for the reliefs as above.

3. Reply was filed. In the reply it is stated that the letter Ann.A1 was rightly issued as the applicant's status was highly disputed and, therefore, she has been asked to submit a succession certificate.

4. We have heard the learned counsel for the applicant and also perused the whole record. On perusal of record, it appears that an application under Section 13-B of the Hindu Marriage Act appears to have been filed before the Family Court, Ajmer, but that was not accepted and on the basis of that application no decree of divorce has been granted by the Family Court, Ajmer. As no decree of divorce has been granted by the Court of competent jurisdiction to dissolve the marriage of the parties, therefore, merely filing an application under Section 13-B of the Hindu Marriage Act does not, ipso facto, change the status of the applicant and, in our considered view, the status of the deceased employee and the applicant remains as husband and wife. Therefore, demand of succession certificate from the applicant appears to be arbitrary and not in accordance with any provision of law.

5. We, therefore, allow this application to the extent that in finalising the settlement dues and family pension on the death of



late Shri Kishan Singh, railway employee, who was expired on 14.12.99, the demand of succession certificate from the applicant is not proper and in accordance with any rule. Therefore, the Department shall not ask the applicant for a succession certificate as demanded vide letter dated 15.6.2000 at Ann.Al. No order as to costs.


(A.P. NAGRATH)

Adm. Member


(S.K. AGARWAL)

Judl. Member