

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 257 of 2004

Jabalpur, this the 31st day of August, 2004

Hon'ble Shri Madan Mohan, Judicial Member

Sushila Bai, widow of late Ganesh
Prasad, aged 54 years, R/o. H. No.
199, Kanjar Mohalla, Ghampur,
Jabalpur (MP).

... Applicant

(By Advocate - Shri H.R. Bharti)

versus

1. Union of India, through
Secretary (Estt.), Ministry of
Railways, Railway Board, New
Delhi.
2. General Manager, West Central
Railway, through Divisional
Railway Manager, West Central
Railway, Jabalpur.
3. Financial Advisor and Chief
Accounts Officer (Pension),
Central Railway, Mumbai (CST).
4. Senior DEM, West Central Railway,
Jabalpur (M.P.).
5. Branch Manager, Allahabad Bank,
Civil Lines Branch, Jabalpur
(M.P.).

... Respondents

(By Advocate - Shri M.N. Banerjee)

O R D E R (Oral)

By filing this Original Application the applicant
has claimed the following main reliefs :

"8.1. to quash the order (Annexure A-1) declaring
the same as arbitrary and contrary to the principles
of natural justice since the same is issued
without notice and without hearing the applicant,

8.2. the Bank Authorities may kindly be directed
to start payment of family pension without any
further delay to avoid hardships to the applicant."

2. The brief facts of the case are that the applicant's
husband late Shri Ganesh Prasad was appointed to the Rail-
way service on 9.6.1961 and at the time of retirement on
31.7.1997 he was employed as a Shunter under the control

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of respondent No. 2. The pension in favour of the applicant's husband was sanctioned vide PPO dated 17.10.97. The husband of the applicant expired on 25.8.2001. After his death the respondent completed all the necessary formalities. The applicant had been drawing pension ever since the death of her husband on 25.8.2001. The applicant was shocked to note the contents of the impugned order dated 15.7.2003 whereby the payment of family pension is stopped on the plea that the applicant is drawing pension in the name of Sushilabai although her name is Shakuntalabai widow of late Trilok Kanjar. The applicant submits that she was married to one Trilok Kanjar but when he expired during the year 1984, she was re-married to late Shri Ganesh Prasad during 1987 in a Mandir according to the Hindu Custom of marriage. Since 1987 to 25.8.2001 i.e. the date when Shri Ganesh Prasad expired, the applicant was living with him as his spouse. They were recognised by the society as husband and wife. Hence, the family pension was granted to the applicant as she is the widow and legal heir of late Shri Ganesh Prasad. But the action of the respondents in not granting her further family pension is not tenable in the eyes of law. Hence, this Original Application.

3. Heard the learned counsel for the parties and perused the records carefully.

4. It is argued on behalf of the applicant that she was earlier married with Shri Trilok Kanjar but when he expired during the year 1984, she was re-married to late Ganesh Prasad in the year 1987 in a Mandir according to Hindu Custom of marriage. They lived together as husband and wife and late Ganesh Prasad has also mentioned in the



relevant documents that he has married Sushila Bai and she is his wife. Photo copy of the document is produced today in which photo of late Ganesh Prasad is printed with the applicant. The same is taken on record. The respondents have illegally denied and stopped the family pension of the applicant.

5. In reply the learned counsel for the respondents argued that the applicant was never married with late Ganesh Prasad as per her own admission and other evidences on record. In fact the investigations reveal that the real name of the applicant is Shakuntala Bai, widow of one late Triloki Kanjar and the applicant had been drawing social security pension from Madhya Pradesh state Government through Nagar Nigam, Jabalpur upto August, 2001. Investigations also reveal that the applicant has been engaged in illicit liquor vending and she was taken up under criminal charges. The impugned order is passed after due and thorough investigation. Thus, there is no illegality in the action of the respondents and the OA deserves to be dismissed.

6. After hearing the learned counsel for the parties and on careful perusal of the records, I find that in the statement of Sushila Bai, W/o. Ganesh Prasad, reported by the respondents, in question No. 11 she was asked that from what time she know Ganesh Prasad and what is the relation with him. She has answered that during life time of her previous husband late Triloki Kanjar, late Ganesh Prasad has come to her residence with Triloki Kanjar. Her mother in law was a liquor vendor and was selling the liquor and Shri Ganesh Prasad was a habitual drunkard. There were frequent visits of late Ganesh Prasad which resulted

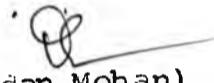


into intimate relationship with her. After the death of Triloki Kanjar late Ganesh Prasad kept the applicant as his wife. In question No. 12 she was asked that whether she married with late Ganesh Prasad ? She answered that she did not marry him. In question No. 14 she has admitted that she received social security pension upto December, 2001 and it was received in the name of Smt. Shakuntala Bai wife of late Triloki Kanjar. She further submitted that after the death of late Ganesh Prasad on 25.8.2001 she discontinued that pension from January, 2002, because the amount of pension of Ganesh Prasad was more than that of earlier pension. My attention is drawn towards a letter dated 8th May, 2003 by which the Corporation has confirmed that Smt. Shakuntala Bai wife of late Triloki Kanjar was paid social security pension. Though in the relevant documents filled in by late Ganesh Prasad as argued by the applicant shows the name of the applicant, but the applicant herself and admitted has given a statement before the concerned authorities on 17.3.2003 that she never married with late Ganesh Prasad and she was earlier the wife of late Triloki Kanjar and when late Ganesh Prasad frequently visited her residence she kept intimate relationship with him and after the death of Triloki Kanjar, Ganesh Prasad has kept her as wife. Thus the applicant does not come within the definition of legally wedded wife of Ganesh Prasad. She has also not commenced produced any other evidence of the alleged marriage in any Mandir by Hindu customs. It was the duty of the applicant to prove and establish that she is the legally wedded wife of late Ganesh Prasad. Merely residing as husband and wife and also recognised by the society as such is not sufficient to come within the status of legally wedded wife according to the Hindu law. The applicant has also

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not made any complaint against the respondents on recording her statement under duress. I also find that the applicant was getting social security pension upto December, 2001.

7. Considering all the facts and circumstances of the case I am of the opinion that the impugned order is passed on the basis of a proper enquiry conducted by the respondents. There is no illegality or irregularity committed by the respondents while passing the impugned order. Hence, the Original Application is liable to be dismissed as having no merits. Accordingly, the Original Application is dismissed. No costs.


(Madan Mohan)
Judicial Member

प्रृष्ठांकन सं. ओ/न्या..... जबलपुर, दि.....
प्रतिलिपि दायोदिया:-
(1) राधित, अत. जबलपुर वार एसोसिएशन, जबलपुर
(2) शाहनगर ली/प्रिवेट लिमिटेड, को काउंसल
(3) प्रसादी की/प्रिवेट लिमिटेड, को काउंसल
(4) घोरापाल, को वारा, जबलपुर ज्यायपीठ
सूचना एवं आवश्यक कार्यवाही देव
उपर्युक्त दस्तावेज रजिस्ट्रेशन

HR Dholki
MN Damajer

"SA"

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