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**CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR**

**ORDER SHEET**

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**ORDERS OF THE TRIBUNAL**

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25.04.2007

OA 85/2006

Mr. Shiv Shanker, proxy counsel for  
Mr. H.S. Chaudhary, counsel for applicant.  
Mr. Anupam Agarwal, counsel for respondents.

Learned proxy counsel for the applicant  
seeks adjournment. At his request, the  
matter is adjourned to 17.5.2007.

  
(J.P. SHUKLA)  
MEMBER (A)

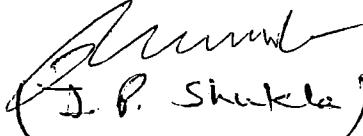
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17-5-07

Mr. H. S. Chaudhary counsel for applicant  
Mr. Anupam Agarwal counsel for respon.

Heard. The OA has been  
dismissed by a separate order.

  
(J.P. Shukla)  
Administrative Member

  
(Kuldip Singh)  
Vice Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

OA No.85/2006.

Jaipur, this the 17<sup>th</sup> day of May, 2007.

**CORAM :** Hon'ble Mr. Kuldip Singh, Vice Chairman.  
Hon'ble Mr. J. P. Shukla, Administrative Member.

Smt. Manju Devi  
W/o Late Shri Shanti Lal,  
R/o Nadi Mohalla, Bijainagar,  
Tehsil Masuda,  
District Ajmer.

... Applicant.

By Advocate : Mr. H. S. choudhary.

Vs.

1. Union of India through  
General Manager,  
Western Railway,  
Churchgate Mumbai 400020.
2. The Financial Advisor and Chief Accounts  
Officer (Pension),  
Western Railway,  
Churchgate, Mumbai 400020.
3. The Divisional Railway Manager,  
Vadodara Division, Western Railway,  
Vadodara.

... Respondents.

By Advocate : Shri Anupam Agarwal.

: O R D E R (ORAL) :

By way of this OA, the applicant has challenged the impugned Annexure A/1 vide which the department has refused to grant family pension to the applicant on the ground that she had married the deceased Railway employee when her first spouse was living without dissolving her

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earlier marriage. Therefore, her marriage with the deceased Railway employee cannot be treated as a valid marriage and the applicant cannot be allowed family pension. By challenging the same, the applicant had submitted that she had dissolved her marriage with her first husband on 24.2.1993 vide memo of agreement Annexure A/3. It is also submitted that it is the traditional custom of dissolution of marriage which has been recognized by elders and senior office bearers of All India Rawan Rajput Samaj to which the applicant belongs. The applicant further submits that after the dissolution of marriage, the applicant was married with Late Shri Shanti Lal, the deceased Railway employee and their marriage was also registered under the Registrar of Marriages, Vadodara. Thus, she is the legally wedded wife and as such, she is entitled to the family pension.

2. By opposing the OA, the respondents ~~are~~ <sup>have</sup> still insisted that there is no subsistence of legally wedded marriage between applicant and deceased railway employee, nor the earlier marriage of the applicant had been dissolved legally. So, the second marriage undergone by the applicant is not legally ~~valid~~ marriage and hence the applicant is not entitled for family pension.

3. We have heard the Learned Counsel for the parties.



4. We have gone through the documents annexed with the OA for supporting the dissolution of marriage between the applicant and her deceased husband. This shows that the applicant had ~~voluntarily~~ of her own free will dissolved the marriage with her first spouse and it does not refer to any custom prevailing in their society or any prevailing custom amongst their caste for such type of dissolution of marriage. There is no reference of any custom prevalent amongst the parties of the agreement. So the same cannot be acted upon.

5. Learned Counsel for the applicant had also referred to Annexure A/4 vide which the applicant is stated to have undergone the marriage before the Registrar of Marriages. We have also gone through the same and we find that when the applicant had undergone marriage with the deceased Railway employee before the Registrar of Marriages, she had made a false statement about her status as she had not stated that she is a divorcee. She stated that she is still unmarried (virgin). Thus there is a misleading statement <sup>made by</sup> to the parties also regarding <sup>status of</sup> her marriage when the same was got registered at the office of Registrar of Marriages. Under these circumstances, we find force in contention of respondents that the marriage of the applicant with her previous husband <sup>had not been by</sup> <sup>and as such he</sup> ought to be dissolved as that marriage undergone with the deceased railway employee, was no marriage in the eyes of law. Without commenting upon the customs.

prevailing in the society of the applicant, we may mention that the applicant has failed to establish that she had ~~conducted~~ <sup>claimed in</sup> a valid marriage with the deceased railway employee. As such, the respondents have rightly passed the impugned order denying her the family pension.

6. So, we find that the OA has no merits and the same is liable to be dismissed. Accordingly, it is dismissed. However, we keep it open to the applicant to get her status of marriage declared from a competent civil court and may, thereafter, re-apply before the appropriate authorities for grant of family pension etc.



(J. P. SHUKLA)  
ADMINISTRATIVE MEMBER



P.C.I.



(KULDIP SINGH)  
VICE CHAIRMAN