

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 5th day of October, 2010

O.A. No. 160/2009

CORAM:

HON'BLE MR. M.L.CHAUHAN, MEMBER (JUDL.)

Smt. Sukhi
w/o Late Shri Preeti,
r/o Railway Station Devepura,
Gang No.2, Sawai Madhopur,
at present residing at Railway
Station Choth Ka Barwara,
Gang No.4, Sawai Madhopur.

.. Applicant

(By Advocate: Shri Tanveer Ahmed)

Versus

1. Union of India through General Manager, North-Western Railway, Power House Road, Near Railway Station, Jaipur.
2. The Divisional Railway Manager, North-Western Railway, Power House Road, Near Railway Station, Jaipur
3. The Senior Divisional Personnel Officer, Western Railway, Power House Road, New Railway Station, Jaipur.

.. Respondents

(By Advocate: Shri Tej Prakash Sharma)

ORDER (ORAL)

The applicant, who claims to be legally wedded wife of late Shri Preeti, has filed this OA thereby praying for the following reliefs:-

- (i) by an appropriate order or direction the respondents may kindly be directed to release the retiral benefits and family pension of the humble applicant with interest @ 12 p.a.

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- (ii) Any other relief as the Hon'ble Tribunal may deem just and proper under the circumstances may be granted in favour of the applicant.

2. Briefly stated, facts of the case are that one Shri Preeti s/o Shri Bisi while working as Gangman at Railway Station, Devpura, Gang No.2, Sawai Madhopur expired on 25.3.2008. It is case of the applicant that she is legally wedded wife of late Shri Preeti and thus entitled to get all benefits after death of her husband but the respondents have not released retiral benefits till date. It is further stated that she had also served notice for demand of justice on 11.11.2008 (Ann.A/1) but no heed was paid by the respondents. It is on the basis of these facts that the applicant has filed this OA thereby praying for the aforesaid reliefs.

3. Notice of this application was given to the respondents. The fact that late Shri Preeti expired on 25.3.2008 while working in the aforesaid capacity has not been disputed. It is, however, stated that as per railway service record nowhere name of the applicant has been shown as wedded wife of Shri Preeti. According to the respondents, the deceased has executed a will regarding his all acquired assets in favour of Shri Navo who is the son of deceased and had declared that after his death Shri Navo would become the owner of movable and immovable property. According to the respondents, the said will has been executed in the office of Sub-Registrar, Swaimadhopur. The respondents have further stated that the applicant has not filed any letter probate or succession certificate issued by any competent court of law to prove the right

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of the applicant, as such, claim of the applicant cannot be entertained.

4. I have heard the learned counsel for the parties and gone through the material placed on record.

5. From the facts as stated above, it is evident that applicant has not been recorded as legally wedded wife of the deceased Preeti in the service record maintained by the railway department. Even in this OA, the applicant has not placed any document on record to show that the applicant is legally wedded wife of the deceased. But for the vague averment that applicant is legally wedded wife of the deceased, no other material has been placed on record viz. when the marriage was solemnised and whether any child was born from the said marriage. Rather the reply filed by the respondents show that the deceased was having a son named Navo in whose favour registered will has been executed. Whether Navo is adopted son of the deceased or the real son of the deceased has not been disclosed by the applicant in the OA. Further, Shri Navo in whose favour will has been executed has not been made party in this case. Thus, on the basis of the vague submission that the applicant is legally wedded wife of deceased Shri Preeti, especially when status of the applicant as wife of the deceased has been disputed by the respondents, no relief can be granted to the applicant.

6. For the foregoing reasons, the OA is bereft of merit, which is accordingly dismissed with no order as to costs.

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7. It is, however, clarified that it will be permissible for the applicant to substantiate her claim regarding wife of the deceased Preeti before the appropriate authorities to their satisfaction and disposal of this OA will not come in the way of the respondents to grant appropriate relief in accordance with law.



(M.L. CHAUHAN)
Judl. Member

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